



## **BOARD OF DIRECTORS MEETING**

November 1, 2007

### **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 Chairperson Chu at 5:34 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

#### **2. ROLL CALL**

##### **Members Present**

Nora Campos  
Dean J. Chu, Chairperson  
Don Gage  
Breene Kerr  
Liz Kniss, Vice Chairperson  
Sam Liccardo  
Laura Macias  
Chuck Reed  
Dolly Sandoval  
Greg Sellers  
Forrest Williams  
Ken Yeager, Ex-Officio

##### **Members Absent**

David Cortese

##### **Alternates Present**

Roland Velasco

##### **Alternates Absent**

Dominic Caserta  
Kansen Chu  
Kathleen King  
Pete McHugh

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

**A quorum was present.**

#### **3. ORDERS OF THE DAY**

Chairperson Chu noted the following Addendum to the Agenda: Closed Session **Agenda Item # 35.X.** Conference with Real Property Negotiators on the property block bounded by North First Street, North Market Street, Santa Clara Street and West St. John (Mitchell Block) located in Downtown San Jose; and **Agenda Item # 36.X.** Authorize

the General Manager to execute a Purchase and Sale Agreement and all other documents necessary to purchase the property in downtown San Jose being offered for sale as the First Market Plaza property, more commonly known as the Mitchell Block, bounded by First, Santa Clara, Market and West St. John Streets, consisting of approximately 3.6 acres, at a purchase price of \$39,563,250.

Chairperson Chu requested that the following Agenda Item be deleted from the Agenda: Closed Session **Agenda Item # 35.X**. Conference with Real Property Negotiators on the property block bounded by North First Street, North Market Street, Santa Clara Street and West St. John (Mitchell Block) located in Downtown San Jose.

Chairperson Chu noted that the Board of Directors would adjourn the meeting in Memory of Ann Sloan, Chief Deputy Clerk of the Santa Clara County Board of Supervisors, who recently passed away.

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

Board Member Gage commented that Ann Sloan passed away on October 9, 2007 at the age of 58 following a brief illness. Ann began her career on July 1974 as a self-employed Court Reporter and Medical Transcriber. On January 2, 1990, Ann began her career at the Santa Clara County as a Board Clerk I and quickly promoted to a Board Clerk II in the Office of the Clerk of the Board of Supervisors. Ms. Sloan was promoted to Supervising Board Clerk and in 1994 promoted to the Chief Deputy Clerk of the Board of Supervisors serving in this capacity until her passing.

Board Member Gage commented that Ann was born in San Francisco and lived most of her life in Santa Clara County. Ann raised and trained eight Toy Fox Terriers. Ann was very successful in this area of her life, which can be reflected in the fact that all but two of the Terriers attained AKC and UKA Championships. Ann's dog, "Gizmo" was a Grand Champion and in 2006, won the National Champion Toy Fox Terrier category.

Board Member Gage stated that Ann had an opportunity to work with people from all over the County organization, Valley Transportation Authority (VTA), as well as many volunteers, and members of the public. Ann was highly respected and valued by many because of her strong commitment and hard work on behalf of the County and the Office of the Clerk of the Board of Supervisors.

Board Member Gage commented that Ann is survived by her husband, Michael; her two children, Lynn and Frank; two stepsons, Paul and Jay; and 12 grandchildren with one grandchild on the way.

Board Member Gage stated that Ann will be missed by everyone.

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

#### **4. AWARDS AND COMMENDATIONS**

**A. Employees of the Month for October 2007 and Supervisor of the Quarter**

Chairperson Chu recognized and presented awards to the following recipients as Employees of the Month for October 2007: Mike Cook on behalf of wife Joyce Stewart-Cook, Buyer Assistant, River Oaks Administration; and Sarah Ann Keating, Service Worker, Chaboya Maintenance.

Sherry Cruz, Cerone Operations Coach Operator, was unable to attend the November 1, 2007 Board Meeting.

Chairperson Chu recognized and presented an award to Diann Cosgrove, Transportation Supervisor, Guadalupe Division, as Supervisor of the Quarter for the fourth quarter of 2007.

**B. Employees of the Month for November 2007**

Chairperson Chu recognized and presented awards to the following recipients as Employees of the Month for November 2007: Catherine “Cathy” Clegg, Engineering Aide, River Oaks Administration; Phillip “Stef” Perez, Light Rail Operator, Guadalupe Operations; and Michael Silveira, Service Mechanic, Cerone Maintenance.

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

Christopher Moylan, Policy Advisory Committee (PAC) Chairperson, provided a report highlighting: 1) Discussion of the Joint PAC/CAC Workshop; 2) Received presentation and provided input to staff on the Regional Transportation Plan/Valley Transportation Plan 2030 as well as the ABAG Focus Our Vision Priority Development Areas; and 3) Received presentation from the Town of Los Gatos regarding their local transportation needs and priorities.

Chairperson Moylan noted that the PAC’s next meeting is scheduled for November 8, 2007, which will include: 1) Discussion at the Joint PAC/CAC Workshop, and 2) Local Transportation Needs and Priorities Presentation from the City of Campbell.

**6. REPORT FROM THE GENERAL MANAGER**

Michael T. Burns, General Manager, provided a report, highlighting: 1) Draft Proposal VTA Board of Directors 2008 Meeting Schedule; 2) VTA Ridership for September 2007 overall weekday has increased 5.7 percent as compared to 2006; 3) VTA Engineering and Construction Division awarded the 2007 Best of California Merit Award in Bridges and Transportation Category for the Coleman Interchange Project the ceremony is scheduled for December 5, 2007 in San Francisco; and 4) Jack J. Collins, Chief Engineering and Construction Officer, would be leaving VTA.

Mr. Burns reported that Jack J. Collins, Chief Engineering and Construction Officer, has advised that he will be leaving VTA for the private sector. Mr. Burns commented that Mr. Collins has had a very successful career at VTA. He stated that Mr. Collins

accomplishments are reflected in VTA's Construction Division where it has become a nationally recognized agency that delivers quality projects on time and within budget.

Mr. Burns stated that Mr. Collins has created many processes within VTA that will live long after he has left, such as cost control, quality assurance, and quality control. He stated that as a result of Mr. Collins at the helm, VTA has been recognized and awarded with merits for its construction projects. Mr. Burns recognized and thanked Mr. Collins for his service to VTA and wished him the best in his future endeavors.

VTA Board of Directors expressed appreciation and thanked Mr. Collins for his outstanding years of dedicated work at VTA.

## **7. REPORT FROM THE CHAIRPERSON**

Chairperson Chu provided a report, highlighting: 1) Metropolitan Transportation Commission (MTC) approved the recommendation for the Pacheco Pass Alignment for the High Speed Rail Alignment between Northern and Southern California with the Altamont Pass approved as the secondary route to accommodate transportation needs in the area; 2) MTC and the Association of Bay Area Governments (ABAG) held a summit meeting on October 26, 2007 to discuss Regional Transportation Solutions; 3) Chairperson Chu was appointed the Vice Chairperson to the National League of Cities Community and Regional Development; and 4) Chairperson Chu and Alternate Board of Director Kansen Chu have been appointed to represent VTA in the Santa Clara County Expressway Advisory Committee.

## **8. PUBLIC PRESENTATIONS**

Michael Samak, Interested Citizen, asked if a citizen relinquishes his civil and legal rights when they become a VTA employee. Mr. Samak expressed discontent related to VTA's Employment Policy.

Ross Signorino, Interested Citizen, urged the Board of Directors to conduct a feasibility study that examines the actual cost to construct the downtown tunnel for the BART Project. Mr. Signorino urged the Board of Directors to consider an alternate cost effective plan for the BART Project.

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

## **36.X. Purchase of First Market Plaza Property**

Michael T. Burns, General Manager, provided a brief report on the purchase of First Market Plaza Property, more commonly known as the Mitchell Block. Mr. Burns reported that staff has been in discussions with the property owner for several months and VTA has a signed purchase and sale agreement by the sellers. VTA has until Tuesday, November 6, 2007, to execute the purchase and sale agreement, but there are minor issues that still need to be resolved.

Mr. Burns stated that staff is confident that the issues will be resolved before Tuesday, November 6, 2007. The authorization would allow the VTA General Manager to execute

the purchase and sale agreement, which would call for a close on the property before the end of the calendar year in December 2007.

Mr. Burns reported that the location is the determined preferred site to facilitate the construction of the downtown BART Station, yields the least impact on construction within downtown San Jose, provides a northern portal to the downtown station, and offers a key location for future Transit Oriented Design (TOD) development adjacent to mass transit. Mr. Burns reported that the property is located between North First Street, West Santa Clara, West Saint John, and North Market Streets within the San Jose downtown core area.

Board Member Gage stressed the importance to resolve any issues before executing the purchase and sale agreement.

Ross Signorino, Interested Citizen, noted the need to purchase the property to construct the staging site to facilitate building the proposed downtown BART Station. Mr. Signorino urged the Board of Directors to consider that the purchase of the property takes funding away that could be used for other services for minority cities in the County.

**M/S/C (Gage/Liccardo)** to authorize the General Manager to execute a Purchase and Sale Agreement and all other documents necessary to purchase the property in downtown San Jose being offered for sale as the First Market Plaza property, more commonly known as the Mitchell Block, bounded by First, Santa Clara, Market and West St. John Streets, consisting of approximately 3.6 acres, at a purchase price of \$39,563,250.

## CONSENT AGENDA

Chairperson Chu noted the request from the Members of the Board that the following Agenda Items be removed from the Consent Agenda and placed on the Regular Agenda:

- **Agenda Item #16.**, Retain the Resolution establishing rates and fares for VTA adopted by the Board of Directors on June 7, 2007. (Item concerning “Zero Fare Program” Report);
- **Agenda Item #18.**, Authorize the General Manager for the Capitol Expressway Light Rail Project to execute: 1) Real property purchase agreements where the purchase price equals VTA’s statutory offer of just compensation based upon an approved appraisal, or where the negotiated purchase price does not exceed \$100,000; and 2) Possession and use agreements allowing immediate access for VTA to construct the Project prior to agreement on the purchase price;
- **Agenda Item #19.**, Approve the budget and cost allocation for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan; and
- **Agenda Item #22.**, Recommend that the VTA Board of Directors approve the following: 1) Waive the Bicycle Expenditure Program policy on limitations of cost increases for the Mary Avenue Bicycle and Pedestrian Bridge Project; 2) Increase the Bicycle Expenditure Plan allocation for the Mary Avenue Bicycle and Pedestrian Bridge by \$3.35 million for a total of \$10.35 million; 3) Program \$3.35 million in Congestion Management Program Local Program Reserve funds

to the construction of the Mary Avenue Bicycle and Pedestrian Bridge; and  
4) Commit to program an equivalent amount of future Bicycle Expenditure Plan funds to repay the Local Program Reserve fund, as the future grant funds becomes available for programming.

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

9. **Minutes of the Regular Board of Directors' Meeting of October 4, 2007**

M/S/C (Gage/Campos) to approve the Minutes of the Regular Board of Directors' Meeting of October 4, 2007.

10. **Amendment to the Policy Advisory Committee (PAC) Bylaws and VTA Administrative Code Modifying the Quorum and Voting Requirements**

M/S/C (Gage/Campos) to adopt Resolution No. 07.11.19: 1) Amending Section 5.4 of the Policy Advisory Committee (PAC) bylaws to change the quorum requirement from majority of total authorized membership to majority of total appointed members or seven, whichever is greater; 2) Further amending Section 5.4 to change the voting requirement to permit a majority of the quorum to pass an item, provided that if the number of votes approving any recommendation is less than a quorum, then the minutes of the meeting shall contain a notation that the item was passed by less than a majority of the total appointed membership; and amending Section 4.1 of the PAC bylaws to require that the PAC Chairperson shall also bring this to the attention of the Board during his/her monthly verbal report to the Board; and 3) Amending Section 4-17 of the VTA Administrative Code to allow implementation of these modifications.

<b>ADMINISTRATION AND FINANCE COMMITTEE</b>
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11. **FY 2007 Federal Transit Administration Section 5311 Non-Urbanized Area Grant Application**

M/S/C (Gage/Campos) to adopt Resolution No. 07.11.20 authorizing the filing and execution of grants with the California Department of Transportation (Caltrans) for funding under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.

12. **Lease with T-Mobile for Installation of a Cell Site at Guadalupe Division**

M/S/C (Gage/Campos) to authorize the General Manager to execute a five-year lease agreement with an option for year-to-year extensions thereafter, with T-Mobile USA, Inc. (dba Omnipoint Communications, Inc.) to lease a wireless telecommunications site from VTA starting at \$2,500 a month for the first year plus three percent annual increases thereafter.

13. **Program Augmentation for Transportation Planning and Mass Transit Studies**

M/S/C (Gage/Campos) to augment the total value of contracts permitted under the previously approved Transportation Planning and Mass Transit Studies on-call list from \$2,500,000 to \$6,000,000 and authorize the General Manager to execute task order contracts to perform transit planning services.

**14. Silicon Valley Rapid Transit (SVRT) Project Financial Plan and Support Services for FTA New Starts Funding**

M/S/C (Gage/Campos) to authorize the General Manger to execute a contract with AECOM Consult, Inc. (AECOM) in the not-to-exceed amount of \$610,000 for financial planning services related to FTA New Starts program funding for the Silicon Valley Rapid Transit (SVRT) Project.

**15. Transit Passes for Homeless Shelters**

M/S/C (Gage/Campos) to authorize the General Manager to negotiate and execute a contract with the County of Santa Clara in the amount of \$118,400 per year. This contract would enable VTA to provide Eco Pass type passes at a price of \$60 per pass per year, for up to 1,850 passes to be issued each quarter, for a fixed annual price of \$111,000 plus card issuance expenses of up to \$7,400 per year. These passes would be made available to the homeless population in Santa Clara County effective January 2008.

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

Retain the resolution establishing rates and fares for VTA adopted by the Board of Directors on June 7, 2007. (Item concerning "Zero Fare Program" Report.)

**17. Authority for General Manager to Execute Purchase Agreements and Possession and Use Agreements for the Freight Railroad Relocation and Lower Berryessa Creek Project**

M/S/C (Gage/Campos) to authorize the General Manager for the Freight Railroad Relocation and Lower Berryessa Creek Project to execute: 1) Real property purchase agreements where the purchase price equals VTA's statutory offer of just compensation based upon an approved appraisal, or where the negotiated purchase price does not exceed \$100,000; and 2) Possession and use agreements allowing immediate access for VTA to construct the Project prior to agreement on the purchase price.

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

Authorize the General Manager for the Capitol Expressway Light Rail Project to execute: 1) Real property purchase agreements where the purchase price equals VTA's statutory offer of just compensation based upon an approved appraisal, or where the negotiated purchase price does not exceed \$100,000; and 2) Possession and use agreements allowing immediate access for VTA to construct the Project prior to agreement on the purchase price.

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

Approve the budget and cost allocation for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan.

**20. Construction Cooperative Agreement with Caltrans for Route 87 Highway Planting Project**

M/S/C (Gage/Campos) to authorize the General Manager to execute a Construction Cooperative Agreement with the California Department of Transportation (Caltrans) covering the construction of the Route 87 Highway Planting Project; and authorize an increase to the current VTP 2030 Highway Improvement Program Capital Budget appropriation for fiscal year 2008 from \$4,196,000 to \$4,620,000.

**21. VTA Permit Fee Schedule Changes**

M/S/C (Gage/Campos) to adopt proposed Permit Fee Schedules increasing the fees to be collected for Restricted Access Permits and Construction Access Permits.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE**

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

Recommend that the VTA Board of Directors approve the following: 1) Waive the Bicycle Expenditure Program policy on limitations of cost increases for the Mary Avenue Bicycle and Pedestrian Bridge Project; 2) Increase the Bicycle Expenditure Plan allocation for the Mary Avenue Bicycle and Pedestrian Bridge by \$3.35 million for a total of \$10.35 million; 3) Program \$3.35 million in Congestion Management Program Local Program Reserve funds to the construction of the Mary Avenue Bicycle and Pedestrian Bridge; and 4) Commit to program an equivalent amount of future Bicycle Expenditure Plan funds to repay the Local Program Reserve fund, as the future grant funds becomes available for programming.

**TRANSIT PLANNING AND OPERATIONS COMMITTEE**

**23. National Incident Management System (NIMS) Resolution**

M/S/C (Gage/Campos) to adopt a Resolution No. 07.11.21 designating the National Incident Management System (NIMS) as the official regulatory guidance for emergency incident and disaster preparedness, response, recovery and mitigation by the Santa Clara Valley Transportation Authority within its service area.

**24. RIDE Task Force Recommendations – Annual Update**

M/S/C (Gage/Campos) to receive the RIDE Task Force Recommendations – Annual Update.

**25. Utility Relocation Agreements with Pacific Gas & Electric and San Jose Water Company for the Capitol Expressway Light Rail Project**

M/S/C (Gage/Campos) to authorize the General Manager to execute Utility Relocation Agreements with Pacific Gas & Electric (PG&E) in an amount not to exceed \$3,500,000

and San Jose Water Company (SJWC) in an amount not to exceed \$1,500,000 to clear the alignment for the Eastridge extension of the Capitol Expressway Light Rail Project.

Board Member Sellers recused himself on Agenda Item #19 per Government Code Section 84308.

Board Member Sellers left his seat at 6:13 p.m.

## **REGULAR AGENDA**

### **ADMINISTRATION AND FINANCE COMMITTEE**

**19. Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan Budget and Cost Allocation**

Board Member Macias queried about the location of the 333 acres for the habitat. Thomas Fitzwater, Environmental Planning Manager, commented that it is north east of Anderson Reservoir.

**(Agenda Item #19 continued and heard after Agenda Item #18 later on the Agenda.)**

Board Member Sellers took his seat at 6:15 p.m.

### **CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE**

**22. Amendment to the Countywide Bicycle Expenditure Plan for the Mary Avenue Bicycle and Pedestrian Bridge**

John H. Ristow, Chief CMA Officer, introduced Ralph Qualls, City of Cupertino, who provided a brief overview of the Amendment to the Countywide Bicycle Expenditure Plan (BEP) for the Mary Avenue Bicycle and Pedestrian Bridge.

Mr. Qualls directed attention to the presentation entitled, "Mary Avenue Bicycle Footbridge", highlighting: 1) New Design – Structural Steel; 2) Engineer's Estimate/Project Costs; 3) Funding Proposal; and 4) Schedule.

Mr. Qualls commented that the City of Cupertino recently accepted construction bids for the project and the lowest bid received was twice the engineer's estimate. He continued that in an effort to reduce costs, the City of Cupertino redesigned the project switching from a concrete to a steel structure, which resulted in a reduction of approximately \$2 million. The advantages to the steel structure alternative were ease of construction, lighter materials, and a greater opportunity for more competition in the bidding process.

He stated that Cupertino City Council took action to support the re-bid of the project at the higher estimated cost on September 18, 2007. The revised estimated total cost of the project is now \$17.4 million.

Mr. Qualls stated that VTA staff recommends that the Board provide the City of Cupertino with an additional \$3.35 million from future BEP grant funds by taking the following actions:

- Waive Bicycle Program policy limiting increases in BEP allocations to 25 percent of project cost, and grant a BEP allocation increase of 38 percent;
- Increase the Bicycle Expenditure Plan allocation for the Mary Avenue Bicycle and Pedestrian Bridge by \$3.35 million for a total of \$10.35 million;
- Program \$3.35 million in Congestion Management Program Local Program Reserve (LPR) funds to the construction of the Mary Avenue Bicycle and Pedestrian Bridge; and
- Commit to program an equivalent amount of future Bicycle Expenditure Plan funds to repay the Local Program Reserve fund, as the future grant funds become available for programming.

Mr. Qualls stated that VTA staff has reviewed other available options and has determined that using the LPR funds to be the only viable funding source to resolve the immediate funding shortfall problem for the project.

The Mary Avenue Bicycle and Pedestrian project does not have a Federal environmental clearance and can only utilize non-federal, state, or local funds. The only immediate non-federal funding available is from the Congestion Management Program Local Program Reserve. The LPR would be repaid when future grant funds are available for the VTA BEP projects. VTA staff anticipates another round of BEP funding in early 2009, which could be utilized to replenish the LPR funding.

The proposed funding arrangement would result in an increase of the project sponsors local contribution share ratio to 41 percent from an original share ratio of 20 percent. If the City of Cupertino decides to abandon the project, the City of Cupertino will be liable for refunding the \$1,114,797 in BEP Transportation Fund for Clean Air (TFCA) funds already expended for environmental and design phases of the Mary Avenue Bicycle and Pedestrian project.

Mr. Qualls commented on the Mary Avenue Bicycle and Pedestrian project schedule:

- Budget, funding, final estimate and bid approved on September 18, 2007;
- Advertised for bids on September 19, 2007;
- Considered additional funding at November 1, 2007 VTA Board meeting;
- Open bids on November 13, 2007;
- Contract award on November 20, 2007;
- Structure Completion in December 2008; and
- Final Completion in March 2009.

Mr. Qualls stated that the Mary Avenue Bicycle and Pedestrian project has undergone extensive public review and outreach, and enjoys the strong support of Sunnyvale, Cupertino, and the immediate residents, and the bicycle and pedestrian communities.

Vice Chairperson Kniss expressed appreciation and stated that it is an example of a superb use of funding to construct the bridge project. Vice Chairperson Kniss inquired

about the expected usage or benefit of the bridge to the community. Mr. Qualls responded that the expected usage is about 200,000 individuals per year.

Board Member Kerr expressed appreciation and support for the bridge project, noting the importance of the bridge project to the North County.

Board Member Kerr expressed concern about the proposed funding strategy since it may have a negative impact on future bicycle and pedestrian projects.

Board Member Kerr suggested that VTA provide funding from the general fund reserves to ensure that future bicycle and pedestrian projects are not adversely affected. He inquired if the Board had authority to allocate funding to the bridge project using other funds outside of the BEP budget. John H. Ristow, Chief CMA Officer, responded that the funds that will be utilized in the future are funds that VTA receives, which are allocated for regional bicycle projects.

Michael T. Burns, General Manager, responded that the Board has authority related to VTA's budget process, and staff would look into the suggestion to review and determine which funds are appropriate to use for future projects.

Jerry Mikolajczyk, Chief Financial Officer, stated that staff would look into the issue and determine where funds could be appropriated to ensure compliance with the Administrative Code. Mr. Mikolajczyk stated that the local program reserve is a Congestion Management Program.

**M/S (Kerr/Kniss)** to approve the bridge project with a recommendation that staff research alternative funding sources to fund future bicycle and pedestrian projects.

Board Member Macias stressed the importance for a policy that determines the exact percentage of contribution between VTA and the partner agencies for projects that require additional funding for projects.

Board Member Gage stated that the BEP final master plan is not completed at this time; therefore, there are no identified projects that will be adversely affected as a result of approving the additional funding for the Mary Avenue Bicycle and Pedestrian project.

Mr. Ristow stated that the Valley Transportation Plan (VTP) 2030 contains a 30 year \$90 million Bicycle Expenditure Plan that includes 46 projects. He stated that staff anticipates another round of BEP funding in early 2009, which could be utilized to replenish the local program reserve funding and funding comes in regular cycles. Mr. Ristow stated that currently there are no identified projects in the plan that would be negatively impacted.

Board Member Kerr stressed the importance to increase the BEP budget allocations.

Board Member Gage stated that allocating additional funds to the BEP is a budget issue that should be discussed when the Board discusses the budget.

Board Member Reed concurred with Board Member Gage's comments and expressed support to approve the recommended bridge project.

Board Member Sandoval stressed the importance for the Board to consider the commitment of the City of Cupertino regarding the Mary Avenue Bicycle and Pedestrian project. Board Member Sandoval stated that the bridge project provides a direct connection between Sunnyvale, De Anza College, and Cupertino to Homestead High School, which will significantly reduce traffic congestion.

Graham Clark, Homestead High School, expressed support of the Mary Avenue Bicycle and Pedestrian Bridge project. Mr. Clark encouraged the Board of Directors to move the project forward as soon as possible. He stressed that the bridge project would benefit the students in the area. Mr. Clark urged the Board of Directors to construct fencing near Mary Avenue and the Homestead High School visitor/staff parking lot to address safety issues in the area.

Chairperson Chu expressed appreciation and thanked Mr. Clark for serving in the United States Military Reserve in the Iraq War.

Geoffret Kiehl, Fremont Union High School District, expressed support of the Mary Avenue Bicycle and Pedestrian Bridge project. Mr. Kiehl stated that the bridge project will provide a safe and convenient route for students in the community. Mr. Kiehl stressed the importance to construct fencing along Homestead Road to address safety issues and concerns in the area.

Joe Walton, Cupertino Bicycle and Pedestrian Commission, expressed support of the Mary Avenue Bicycle and Pedestrian Bridge project. Mr. Walton stated that the bridge project is very worthy and beneficial to the community.

Kevin Jackson, City of Sunnyvale, expressed support of the Mary Avenue Bicycle and Pedestrian Bridge project. Mr. Jackson stated that the bridge project is a spectacular endeavor to address community concerns.

**M/S (Kerr/Kniss)** to approve the allocation of funds and request staff explore other ways to replenish the Bicycle Expenditure Plan (BEP) program reserves to ensure that future BEP projects are not adversely affected.

Board Member Liccardo requested that the Board of Directors consider a substitute motion.

**M/S/C (Liccardo/Sandoval)** on a vote of 10 Ayes to 1 No, 0 Abstentions to recommend that the VTA Board of Directors approve the following: 1) Waive the Bicycle Expenditure Program policy on limitations of cost increases for the Mary Avenue Bicycle and Pedestrian Bridge Project; 2) Increase the Bicycle Expenditure Plan allocation for the Mary Avenue Bicycle and Pedestrian Bridge by \$3.35 million for a total of \$10.35 million; 3) Program \$3.35 million in Congestion Management Program Local Program Reserve funds to the construction of the Mary Avenue Bicycle and Pedestrian

Bridge; and 4) Commit to program an equivalent amount of future Bicycle Expenditure Plan funds to repay the Local Program Reserve fund, as the future grant funds becomes available for programming. Board Member Kerr opposed.

Board Member Sandoval stated that the recommendation to borrow from the Bicycle Expenditure Plan (BEP) future projects is that there are no projects identified at this time that will be negatively affected.

Michael T. Burns, General Manager, stated that staff will look at Board Member Kerr's recommendation as part of VTA's budget process.

Board Member Williams stressed the importance for the Board to explore funding strategies if worthy projects come forth.

## ADMINISTRATION AND FINANCE COMMITTEE

Board Member Sandoval left her seat at 6:55 p.m.

### 16. **“Zero Fare Program” Report**

Board Member Liccardo inquired about the feasibility of conducting a pilot program on two routes in the most transit dependent areas within the County to assess the impact on fare revenue collection and ridership.

Michael T. Burns, General Manager, stated that staff would look into this issue since there are many factors that would need to be considered.

Board Member Reed left the meeting at 7:00 p.m.  
Board Member Sandoval took her seat at 7:00 p.m.

Mr. Burns reported that the Youth and Senior/Disabled fares were reduced as of September 1, 2007, and stressed the importance to allow time to determine the impact on ridership.

Vice Chairperson Kniss expressed appreciation and thanked Joanne Benjamin for an excellent job preparing the report, “Analysis of Zero Fare Transit for VTA.”

Board Member Williams expressed concern about providing free fares since VTA does not have the financial capability to do so. Board Member Williams stated that VTA is in business to provide transportation to the community and there are costs associated with providing this service. He stressed the importance for VTA to be prudent of its resources.

Board Members Kerr and Macias left their seats at 7:08 p.m.

Board Member Williams stressed the importance to review and analyze the data before moving forward with further reductions in fares.

Board Member Kerr took his seat at 7:10 p.m.

M/S/C (**Kerr/Gage**) to retain the Resolution establishing rates and fares for VTA adopted by the Board of Directors on June 7, 2007. (Item concerning “Zero Fare Program” Report.)

**18. Authority for General Manager to Execute Purchase Agreements and Possession and Use Agreements for the Capitol Expressway Light Rail Project**

Board Member Liccardo asked about the negotiation status and how VTA can assist with the negotiation. Michael T. Burns, General Manager, responded that VTA is not a part of the negotiation. Mr. Burns stated that the negotiation is between the City of San Jose and the County of Santa Clara.

Jack J. Collins, Chief Engineering and Construction Officer, stated that the issue is related to who will be responsible for the long-term maintenance for the High Occupancy Vehicle (HOV) lane.

Board Member Liccardo expressed his support for everyone involved to work collaboratively to ensure the project’s success.

M/S/C (**Gage/Sandoval**) to authorize the General Manager for the Capitol Expressway Light Rail Project to execute: 1) Real property purchase agreements where the purchase price equals VTA’s statutory offer of just compensation based upon an approved appraisal, or where the negotiated purchase price does not exceed \$100,000; and 2) Possession and use agreements allowing immediate access for VTA to construct the Project prior to agreement on the purchase price.

Board Member Sellers recused himself on Agenda Item #19 per Government Code Section 84308.

Board Member Sellers left his seat at 7:10 p.m.

**19. Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan Budget and Cost Allocation (continued)**

M/S/C (**Gage/Kniss**) on a vote of 8 Ayes to 0 Noes, 0 Abstentions, and 1 Recusal to approve the budget and cost allocation for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan. Board Member Sellers recused under Government Code 84308.

Vice Chairperson Kniss and Board Member Sandoval left their seats at 7:11 p.m.

**26. HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTION OF NECESSITY**

**Amended Resolution of Necessity for the State Route 152/156 Improvement Project Property Owned by Blackburn Farms III, LLP**

Roberta Notrangelo, Real Estate and Project Administration Manager, provided a brief overview on the State Route 152/156 Improvement Project – Property owned by Blackburn Farms III, LLP. Ms. Notrangelo reported that the item concerns property interests to be acquired for construction of the Route 152/156 Improvement Project.

Board Members Macias and Sellers took their seats at 7:13 p.m.

Ms. Notrangelo reported that the State Route 152/156 Improvement Project will improve traffic flow by converting the existing at-grade intersection into an interchange. The Board of Directors previously adopted a Resolution of Necessity to acquire fee title to portions of the Blackburn Farms property for construction of the interchange, and eminent domain proceedings based on that prior Resolution of Necessity are currently pending.

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

Ms. Notrangelo stated that recently, Caltrans identified the area of the Blackburn Farms property where access control must be acquired for safety and traffic flow considerations. She continued that in an area where access control is taken, a property owner loses the legal right to access the highway.

Board Member Sandoval took her seat at 7:15 p.m.

Ms. Notrangelo stated that the amended Resolution of Necessity will add the access control area to the property being acquired from Blackburn Farms, and will allow the eminent domain proceedings to be amended to add that area as well.

Ms. Notrangelo stated that the property owners have been notified of tonight's hearing and staff has received a request to speak from the property owner's attorney.

Chairperson Chu opened the public hearing to allow members of the public an opportunity to provide their comments.

Heather C. Baugh, Best Best & Krieger LLP, urged the Board of Directors to reconsider the amendment to the Resolution of Necessity related to property. Ms. Baugh expressed concern that the amendment to the Resolution of Necessity will negatively impact the property owner and will diminish the property value.

Board Member Gage inquired about the designation of the property when it was appraised. John H. Ristow, Chief CMA Officer, responded that the property was designated as agricultural.

**M/S/C (Gage/Kniss)** to close hearing and adopt Resolution of Necessity No. 07.11.22, in connection with the Route 152/156 Improvement Project ("Project"), amending Resolution of Necessity No. 06.06.12, to include, as part of the acquisition, the taking of access rights along portions of the property line of Parcel 43002-1 (APN 898-24-017) owned by Blackburn Farms III, LLP.

**Property ID/Owner/Assessor's Parcel Number**

**43002-1 (APN 898-24-017) owned by Blackburn Farms III, L.P.**

Board Member Liccardo left the meeting at 7:16 p.m.

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

**27. Request for Pilot of Reduced Monthly Pass Fare for Milpitas School Students**

Ali Hudda, Disbursement Fiscal Resources Manager, provided a brief overview on the request for Pilot of Reduced Monthly Pass Fare for Milpitas School Students. Mr. Hudda reported that VTA's Policy is to sell Youth Monthly Passes to school districts at tariff price. As of September 1, 2007, VTA's Youth Monthly Pass price was recently reduced from \$49 to \$40. VTA's system wide youth boardings were estimated at 558,000 as of September 2007.

Board Member Gage and Vice Chairperson Kniss left their seats at 7:19 p.m.

Mr. Hudda continued that at the June 21, 2007 Special Board of Directors Meeting, a request was made for a pilot program to reduce Youth Monthly Passes to \$25 for Milpitas students. The request assumes that the increased ridership would offset revenue loss and would have no negative revenue impact on VTA's fare elasticity of 60 percent. He commented that Fare Elasticity Analysis performed for June fare changes indicates that a price reduction in the Youth Monthly Passes to \$25 will generate an additional 1.5 percent in ridership.

Mr. Hudda reported that several school districts provide monthly passes to students at free or discounted prices. However, in each case, the school district pays the tariff price to VTA and determines the eligibility and amount of discount to provide its students. The school districts fund the discount through their own funds or other revenues.

Vice Chairperson Kniss took her seat at 7:21 p.m.

Mr. Hudda reported that based on current prices in effect from September 1, 2007, the revenue impact of the pilot program for Milpitas School Students would be approximately \$4,800 per month or \$28,800 for six months. He noted that any pilot program to sell Youth Passes at a subsidized price would generate requests from other school districts, which would result in a total system wide revenue loss of \$61,000 per month or \$366,000 for the six month period based on average monthly sales of Youth Passes.

Board Member Gage took his seat at 7:23 p.m.

Mr. Hudda commented that the Mountain View/Los Altos High School District distributes approximately 350 free Youth Monthly Passes per month free to low income students for which the school districts pays VTA full tariff price. He stated that the Mountain View/Los Altos High School District program predates the early 1990's. Mr. Hudda stated that based on VTA's ridership analysis it generates an estimated 24,100 youth boardings per month.

Mr. Hudda stated that staff's recommendation is to continue the practice of selling Youth Monthly Passes at the price established in the tariff as approved by the Board of Directors.

Chairperson Chu noted a request from Vice Chairperson Kniss that Agenda Item #27 and Agenda Item #28 be presented and heard as one item.

Mr. Hudda reported that Board Member Kerr requested that staff provide an analysis of the cost and impact of free fares for Youth ages from 5 to 17. He stated that all transit services provided by VTA for Youth ages from 5 to 17 would be free. The program would be funded by additional revenues to be identified or by service changes or a combination of both.

Mr. Hudda continued that a Free Fares for Youth Program would result in a loss of \$6 million in net fare revenues to VTA. The proposed program would reduce the farebox recovery ratio by approximately 2 percent from 12.4 percent to 10.4 percent in Fiscal Year 2008 Budget. The proposed program would require an increase need for Security, Field Supervision, and Maintenance, which would need to be further evaluated. The proposed program would have the potential to initiate requests from other constituent groups.

Mr. Hudda continued that one month's data is insufficient to draw meaningful conclusions. He stated that the total system boardings increased by 2.2 percent from 3.64 million to 3.72 million boardings. Fare revenues collected from all monthly pass sales reduced by \$34,500 from \$823,500 to \$789,000. Mr. Hudda continued that the total fare revenues collected including cash fares declined by \$52,100 from \$2.92 million to \$2.87 million.

Mr. Hudda stated that VTA sold an additional 334 Youth Passes in September from 4,218 to 4,552. He stated that Youth Monthly Pass revenues reduced by \$20,500 from \$144,600 to \$124,100. He continued that the total youth boardings including all cash fares increased system wide by 14,100.

Mr. Hudda stated that staff's recommendation is the retention of current fare resolution as approved by the Board of Directors in June 2007.

Board Member Kerr highlighted that there was an 8 percent increase in the number of passes sold as a result of the reduction in fares. Board Member Kerr requested that a pilot study be implemented to provide lower fares for youth in Milpitas. Board Member Kerr stressed the importance to increase youth ridership by providing an incentive to school districts. He stated that if the school districts set up a program to double ridership and agree to have a target measure with criteria and report back to the Board with the findings in 12 months. However, if the school districts are unable to meet the criteria requirements then they will not receive the reduced fares for the students.

Board Member Gage referenced the October 18, 2007 Administrative and Finance (A&F) Committee meeting, noting extensive discussion on the item. Board Member Gage expressed concern related to VTA's farebox recovery ratio, noting that it is one of

the lowest in the United States. He stressed the importance for VTA to utilize funding to provide better transportation services for the community.

Board Member Gage stressed the importance to recognize that if VTA implements a special program for one school district then VTA will need to do the same for all the other school districts.

Board Member Williams stated that “nothing in life is free” and ultimately someone is responsible to pay. Board Member Williams expressed concern that VTA may be in a position to have to ask the public for additional assistance through a sales tax initiative but at the same time giving free fares for transportation services.

Joan Marx, Escuela School Traffic Reduction Committee, stated that Milpitas is worthy to receive the reduced fares, noting that many of the families in the area are low income. Ms. Marx stated that the reduction in fares will increase VTA’s transit system ridership and assist to reduce congestion in Milpitas. Ms. Marx stated that the other school districts that provide subsidized programs receive funding from other agencies.

Allysson McDonald, Escuela School Traffic Reduction Committee and Sunnyhills Neighborhood Association, expressed concern regarding the traffic problems on Escuela Parkway in Milpitas and the need to reduce the cost of fares to increase student ridership on VTA’s transit system. Ms. McDonald stated that the number one barrier for purchasing transit passes is the cost since many of the students are low income.

Rob Means, Interested Citizen, stated that the elasticity analysis is not accurate and faulty. Mr. Means urged the Board to utilize some funding as a risk to conduct the pilot program.

Mr. Hudda clarified that the Youth Monthly Passes were \$29 before the January 1, 2005 fare increase to \$49, which was reduced to \$40 in September 2007.

Michael T. Burns, General Manager, referenced the October 18, 2007 A&F Committee meeting, noting that VTA has a data point and recommended some time to review the results and impacts before moving forward with any decisions.

Vice Chairperson Kniss stated that she has met with several of the Milpitas parents and others on the issue and suggested that the school districts contribute matching funds towards the pilot program. Vice Chairperson Kniss stated that VTA has provided its share by reducing the Youth Monthly Pass fares from \$49 to \$40.

**M/S (Kerr/Macias)** to not accept the staff recommendation and to reduce fares for the Milpitas School District as part of a pilot program to double ridership and have a target measure with criteria then report back to the Board with the findings in 12 months.

Board Member Macias stressed the importance to consider the pilot program, noting that it will assist to get individuals out of their cars and utilize public transportation.

Board Member Sellers stressed the importance for the Board to quantify and measure all the data points involved in the proposed pilot program.

Board Member Sandoval expressed concern that no administrative representative from the Milpitas School District was present at the meeting regarding this issue. Board Member Sandoval stressed the importance for school districts to partner and work collaboratively with VTA, but noted that the school districts need to bring something to the table as well.

Board Member Campos expressed support for the proposed pilot program if the school districts contact and commit to partner with VTA in the next 30 days.

Vice Chairperson Kniss expressed concern that no administrative representative from the school districts was present to discuss the issue. Vice Chairperson Kniss expressed appreciation and thanked the parents and teachers for their commitment related to the pilot program request.

Vice Chairperson Kniss expressed concern that the Milpitas School District has not displayed any indication to work collaboratively with VTA related to the proposed pilot program.

**M/S (Kniss/Gage)** to approve the staff recommendation.

Board Member Sandoval requested that the Board defer the item and allow the school districts 30 days to contact and commit to partner with VTA in a pilot program. Board Member Sandoval stated that the school districts should be responsible to market the proposed pilot program. Board Member Sandoval stressed the importance to pursue additional buy in support from other community partners related to the pilot program.

Michael T. Burns, General Manager, stated that the item will require additional time to allow adequate time for discussions between the Milpitas School District and VTA.

**M/S/C (Gage/Kniss)** to defer the item to the January 3, 2008 Board of Directors Regular Meeting and allow the Milpitas School District 60 days to provide support for the proposed pilot program.

Chairperson Chu stressed the importance for the proposed pilot program to come back with criteria, more interaction with the community, and cost sharing.

**28. Free Transportation for Youth Under 18**

**M/S/C (Gage/Williams)** to retain the resolution establishing rates and fares for VTA adopted by the Board of Directors on June 7, 2007. (Item concerning Free Transportation for Youth Under 18.)

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

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

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

**30. MONTHLY LEGISLATIVE HISTORY MATRIX**

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

**31. SUMMARY MINUTES FROM STANDING COMMITTEES**

**A. Administration and Finance Committee**

**On order of Chairperson Chu**, there being no objection, the October 18, 2007 Summary Minutes were accepted as contained in the Agenda packet.

**B. Congestion Management Program and Planning**

**On order of Chairperson Chu**, there being no objection, the October 18, 2007 Summary Minutes were accepted as contained in the Agenda packet.

**C. Transit Planning and Operations Committee**

**On order of Chairperson Chu**, there being no objection, the October 18, 2007 Summary Minutes were accepted as contained in the Agenda packet.

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

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

**On order of Chairperson Chu**, there being no objection, the October 10, 2007 Minutes were accepted as contained in the Agenda packet.

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

**On order of Chairperson Chu**, there being no objection, the October 10, 2007 Minutes were accepted as contained in the Agenda packet.

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

There was no report from the October 10, 2007 Bicycle and Pedestrian Advisory Committee (BPAC).

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

There was no report from the October 11, 2007 Technical Advisory Committee (TAC).

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

There was no report from the October 11, 2007 Policy Advisory Committee (PAC).

**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**

**On order of Chairperson Chu**, there being no objection, the October 18, 2007 report was accepted as contained on the dais.

**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.

**35. ADJOURNED TO CLOSED SESSION at 8:20 p.m.**

**X. (Removed from the Agenda.)**

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 (Mitchell Block) located in downtown San Jose.

Negotiators for VTA: Jerry Mikolajczyk, Chief Financial Officer  
Roberta Notrangelo, Manager of Real Estate

Negotiating parties: Jeffrey S. Kuhn, Managing Principal, Financial Leadership Group, LLC

William T. Brooks, Attorney at Law, Brooks & Hess  
John H. Blake, Attorney at Law, Hannig Law Firm

Under negotiation: Price and terms of payment.

**A. Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(C):**

Claim of L. Rivera pursuant to Tort Claims Act

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

VTA Designated Representatives:  
Jerry Mikolajczyk, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:  
Amalgamated Transit Union (ATU)

**RECONVENED TO OPEN SESSION at 8:31 p.m.**

**36. CLOSED SESSION REPORT**

**X. (Removed from the Agenda.)**

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 (Mitchell Block) located in downtown San Jose.

Negotiators for VTA: Jerry Mikolajczyk, Chief Financial Officer  
Roberta Notrangelo, Manager of Real Estate

Negotiating parties: Jeffrey S. Kuhn, Managing Principal, Financial Leadership Group, LLC

William T. Brooks, Attorney at Law, Brooks & Hess  
John H. Blake, Attorney at Law, Hannig Law Firm

Under negotiation: Price and terms of payment.

**A. Conference with Legal Counsel – Anticipated Litigation**  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(C):

Claim of L. Rivera pursuant to Tort Claims Act

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

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

VTA Designated Representatives:  
Jerry Mikolajczyk, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:  
Amalgamated Transit Union (ATU)

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

**36.X. (Considered earlier on the Agenda.)**

Authorize the General Manager to execute a Purchase and Sale Agreement and all other documents necessary to purchase the property in downtown San Jose being offered for sale as the First Market Plaza property, more commonly known as the Mitchell Block,

bounded by First, Santa Clara, Market and West St. John Streets, consisting of approximately 3.6 acres, at a purchase price of \$39,563,250.

### **37. REPORT FROM THE NOMINATING COMMITTEE**

Board Member Williams reported that at the October 4, 2007 Regular Meeting, the VTA Board of Directors appointed Board Members Gage, Chu, and himself to serve as the Nominating Committee for the selection of the 2008 Board of Directors Chairperson and Vice Chairperson.

Board Member Williams reported that the Board has a process that ensures that Board leadership will be equitably shared among the five City and County 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. In 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 Williams reported that for the 2008 term, the Nominee for Chairperson will come from City Group 5 (the County of Santa Clara) and the Nominee for Vice-Chairperson will come from Group 2, 3, or 4 (the small cities). The Nomination Committee reviewed and discussed the nominations received and the recommendation that the Board of Directors approve for the 2008 term, the nomination of Board Member Liz Kniss representing Group 5 as Chairperson and the nomination of Board Member Dolly Sandoval as the Vice Chair representing Group 3.

Board Member Williams reported that the election of Chairperson and Vice Chairperson is scheduled for the December 13, 2007 Board of Directors Regular Meeting. At that time, the floor will be opened to take any additional nominations that may come forward from the Board of Directors.

**On order of Chairperson Chu**, there being no objection, the Board of Directors accepted the Nominating Committee Report recommending the slate of officers for the 2008 term.

### **38. ANNOUNCEMENTS**

There were no Announcements.

### **39. ADJOURNMENT**

**On order of Chairperson Chu**, there being no objection, the meeting was adjourned at 8:32 p.m. in Memory of Ann Sloan, Chief Deputy Clerk to the Board of Supervisors, who passed away on October 9, 2007.

Respectfully Submitted,

Michelle M. Garza, Board Assistant  
VTA Board of Directors