

**SUMMARY MINUTES**  
VTA Board of Directors  
Thursday, December 13, 2007  
70 West Hedding Street  
San Jose, CA

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**1. CALLED TO ORDER at 9:10 a.m.**

**2. ROLL CALL**

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

**Board Members Absent:** Cortese, Macias

**Alternate Board Members Present:** Kansen Chu, McHugh

**Alternate Board Members Absent:** Caserta, King, Velasco

**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 item be removed from the Consent Agenda to the Regular Agenda: **Agenda Item #17.**, - Approve recommended changes to the Investment Policy for Unrestricted and Restricted Funds.

Board Member Gage **requested** that the following item be removed from the Consent Agenda to the Regular Agenda: **Agenda Item #13.**, - Adopt the updated 2007 Bicycle Technical Guidelines with the edits suggested by the BPAC and TAC at their November meetings.

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

**4. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR A TERM EXTENDING FROM JANUARY 2008 THROUGH DECEMBER 2008**

M/S/C (Williams/Gage) to **close** the nominations for Chairperson and Vice Chairperson.

M/S/C (Williams/Sellers) to **elect** Liz Kniss as VTA Board of Directors Chairperson and Dolly Sandoval for Vice Chairperson for a term extending from January 2008 through December 2008.

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

Chairperson Chu **appointed** Board Member Sellers to the Ad-hoc Committee on Governance.

**5. AWARDS AND COMMENDATIONS**

**A. 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: Sal Duckworth-Lanzo, Associate Civil Engineer, Construction Administration; Joel Place, Coach Operator, North Division; and Jimmy Brionez, Facilities Worker, Chaboya Maintenance

**B. Resolution of Commendation**

Chairperson Chu **recognized and presented** award to Eddie Apostol, Light Rail Operator, for 33 years of service.

M/S/C (Gage/Sandoval) to **adopt Resolution of Commendation No. 07.12.23** recognizing Eddie Apostol, Light Rail Operator, for 33 years of service.

**C. Adopt Resolutions of Commendation for Outgoing Board Members**

Vice Chairperson Kniss recognized Outgoing Board Members.

M/S/C (Gage/Sandoval) to **adopt Resolution of Commendation No. 07.12.24** recognizing outgoing Alternate Board Member Roland Velasco.

M/S/C (Gage/Sandoval) to **adopt Resolution of Commendation No. 07.12.25** recognizing outgoing Board Member Laura Macias.

M/S/C (Gage/Sandoval) to **adopt Resolution of Commendation No. 07.12.26** recognizing outgoing Board Member Breene Kerr.

M/S/C (Gage/Sandoval) to **adopt Resolution of Commendation No. 07.12.27** recognizing outgoing VTA 2007 Chairperson and Board Member Dean Chu.

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

Jim Lawson, Government Affairs Manager, **noted** that there is no verbal report from the PAC's Chairperson but a written summary report for the PAC is provided on the dais.

**7. REPORT FROM THE GENERAL MANAGER**

Michael T. Burns, General Manager, **provided** a report noting the following: 1) Thanked outgoing Board Members and Alternate Board Members for their contribution to VTA; 2) VTA holiday activities include the participation to the San Jose Holiday Parade, Toys for Tots, operation of the historic trolley, and the New Year's Eve free service from 7:00 p.m. to 3:59 a.m. on January 1, 2008; 3) Overall ridership increased 2.8 percent, representing a slight decrease in light rail ridership but a 4.5 percent increase in bus ridership; 4) State Auditor notified VTA that the audit will be conducted soon; 5) Efforts and plans involving the implementation of the Hay Group recommendations; 6) Introduced new Executive Staff Members, including: Chief External Affairs Officer Greta Helm and Chief Information Officer Gary Miskell; 7) Staff will request that the Board extend contract of Jerry G. Mikolajczyk until the new CFO is hired; 8) The February 1, 2007 Board Summit in Santa Clara University will be facilitated by James Kouzes; 8) The new service plan will be implemented on January 14, 2008 and VTA has a comprehensive plan to ensure that the public is aware of the service changes.

Bernice Alaniz, Marketing & Public Affairs Deputy Director, **reported** that VTA has a comprehensive advertising and promotional program including television ad, radio spots, internet ad campaign, and trip planning sessions.

Vice Chairperson Kniss **requested** information on VTA trip planning sessions (time, date, and location) by District and **stated** that the Media should be informed as well.

**8. REPORT FROM THE CHAIRPERSON**

**M/S/C (Kniss/Sandoval)** to approve the 2008 Board of Directors Meeting schedule.

Chairperson Chu **thanked** the Board Members for their support and VTA staff for their diligent work. He **noted** the Board's accomplishments for the year 2007.

**9. PUBLIC PRESENTATIONS**

Matt Kolda, Westmont High School, **requested** that the Board consider Westmont High School's service change proposal to Bus Route 60. He **noted** the many benefits of the proposed change to Westmont High School Students.

Jason Van Benthuisen, Westmont High School, **requested** that the Board consider Westmont High School's proposal to change route of Bus Route 60. He **noted** the transportation challenges that some of the students face with the current schedule.

Board Member Sandoval **referred** the Westmont High School request to staff and **noted** that the issue should be forwarded to the Transit Planning and Operations (TP&O) Committee or to the Board of Directors.

## CONSENT AGENDA

10. M/S/C (Williams/Reed) to **approve** the Minutes of the Board of Directors' Workshop Meeting of October 19, 2007.
11. M/S/C (Williams/Reed) to **approve** the Minutes of the Regular Board of Directors' Meeting of November 1, 2007.
12. M/S/C (Williams/Reed) to **receive** the Programmed Projects Quarterly Monitoring Report for July-September 2007.
13. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**  
  
Adopt the updated 2007 Bicycle Technical Guidelines with the edits suggested by the BPAC and TAC at their November meetings.
14. M/S/C (Williams/Reed) to **approve** the 2007 Santa Clara County Congestion Management Program (CMP).
15. M/S/C (Williams/Reed) to **adopt Resolution No. 07.12.28** amending Section 2-15 of the Santa Clara Valley Transportation Authority (VTA) Administrative Code to allow Ex-Officio Board Members to attend and participate in the Closed Session portions of the VTA Board of Directors meetings.

<b>ADMINISTRATION AND FINANCE COMMITTEE</b>
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16. M/S/C (Williams/Reed) to **ratify** the appointment of Norman Kline to the Citizens Advisory Committee position representing Pedestrians.
17. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**  
  
Approve recommended changes to the Investment Policy for Unrestricted and Restricted Funds.
18. M/S/C (Williams/Reed) to **approve** benefits program changes for Non-Represented employees.
19. M/S/C (Williams/Reed) to **adopt Resolution No. 07.12.29** authorizing the filing and execution of an Environmental Justice Planning grant application for the Eastridge

Transit Center Access Plan and **authorize** the General Manager to enter into a fund transfer cooperative agreement with Caltrans.

20. M/S/C (Williams/Reed) to **authorize** the General Manager to execute a cooperative agreement with the City of San Jose specifying funding and project development responsibilities for the US 101 Operational Improvements Project (Yerba Buena Road to I-280).
21. M/S/C (Williams/Reed) to **authorize** the General Manager to execute a revised transfer agreement with the San Mateo County Transit District (SamTrans).
22. M/S/C (Williams/Reed) to **approve** the 2008 Federal Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

<b>CONGESTION MANAGEMENT PROGRAM AND PLANNING (CMPP) COMMITTEE</b> <b>NOTE: THE CMPP COMMITTEE DID NOT MEET IN NOVEMBER 2007</b>
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There were no items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.

<b>TRANSIT PLANNING AND OPERATIONS COMMITTEE</b>
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23. M/S/C (Williams/Reed) to **reaffirm** existing policy and practice to conform the new Bus Service Plan (to be implemented January 14, 2008) with the ADA paratransit service area in the north county and charge a Service Area Surcharge for trips originating or ending outside the service area. Further, **implement** the Service Area Surcharge after providing affected paratransit users with a 90-day advance notice.

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

## **REGULAR AGENDA**

17. M/S/C (Gage/Williams) to **approve** recommended changes to the Investment Policy for Unrestricted and Restricted Funds with the amendment that the quarterly report will be reviewed by the General Manager and the Auditor General.
13. M/S/C (Gage/Reed) to **adopt** the updated 2007 Bicycle Technical Guidelines with the edits suggested by the BPAC and TAC at their November meetings and to include the Member Agency Staff comments as noted on the memo dated December 10, 2007.

Board Member Gage **expressed concern** about the 24/7 access to bike paths noting the challenges it would entail to jurisdictions. He **inquired** if the Bicycle Technical Guidelines (BTG) will be used as an eligibility requirement for funding allocations for future projects.

Mr. Burns **responded** that staff addressed the 24/7 bike path concern as noted on the memo dated December 10, 2007, which is placed on the dais. Mr. Burns **added** that VTA will not use the BTG as an eligibility requirement for projects. However, some of the guidelines noted in the BTG may be required by the funding agency and not VTA.

- 24. M/S/C (Kniss/Reed) to **approve** the programming of \$52.57 million in 2008 STIP funds, and **approve** the allocation of \$50.44 million in 2000 Measure A Funds to the projects and programs.
- 25. M/S/C (Williams/Reed) on a vote of 10 ayes, 0 no, and 1 abstention to **approve** project priorities for the FY 07/08 Local Streets and County Roads Capital Program. Chairperson Chu abstained.

Pete McHugh, VTA Alternate Board Member and Santa Clara County Supervisor, **addressed** the Board of Directors.

- 26. M/S/C (Kniss/Sandoval) to **approve** the return of \$1,913,357 in unspent funds to the Local Program Reserve; **approve** the programming of \$2,815,000 in Local Program Reserve funds to projects; and **authorize** the General Manager to execute the appropriate funding agreements, as needed.

**ADMINISTRATION AND FINANCE COMMITTEE  
CHAIRPERSON'S REPORT – (See Agenda Item #32.A.)**

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

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE  
NOTE: THE CMPP COMMITTEE DID NOT MEET IN NOVEMBER 2007**

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 #32.C.)**

Board Member Campos left her seat at 10:18 a.m.  
Board Member Liccardo left his seat at 10:19 a.m.

27. **M/S/C (Kniss/Gage)** to **adopt** the 2008 Short Range Transit Plan.

Board Members Campos and Liccardo took their seats at 10:21 a.m.

28. **M/S/C (Sandoval/Williams)** to **authorize** the General Manager to execute a contract with Robert A. Bothman, Inc., the lowest responsible bidder, in an amount of \$13,461,910 for construction of the Guadalupe South Line Platforms Retrofit Project. This contract is expected to be 80 percent federally funded. In addition, **authorize** a budget modification to transfer \$10,000,000 of funds from the VTA Transit Capital Program Fiscal Year 2009 appropriation to Fiscal Year 2008 for estimated project expenditures through June 2008. The total approved project budget for both fiscal years will remain the same at \$22,947,000.

## **OTHER ITEMS**

29. **Received** a status report on West San Carlos Joint Venture.

Board Member Kerr left the meeting at 10:32 a.m.

Board Member Sandoval **asked** for information identifying the owner of the corner piece of the block of property shown in the presentation. She **inquired** about the land-use plans for that property, if VTA is the owner.

Board Member Williams **requested** that the community outreach for this project include an educational element that allows for dialogue with the community to ensure that the community is aware of the benefits of a high-density project.

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

Board Member Reed **referred** to the California State Budget deficit of approximately \$14 billion and **stated** that the State would most likely implement mid-year cuts. He **noted** that VTA should be vigilant about local government revenues when the legislature considers the budget.

Board Member Forrest Williams **inquired** about the increased incidents of copper and copper wire theft and further **inquired** about VTA's efforts to minimize theft of copper and copper wire.

31. **MONTHLY LEGISLATIVE HISTORY MATRIX**

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

**32. SUMMARY MINUTES FROM STANDING COMMITTEES**

**A. Administration and Finance Committee**

Accepted the November 15, 2007 Summary Minutes as contained in the Agenda packet.

**B. Congestion Management Program and Planning**

There was no report from the Congestion Management Program and Planning Committee.

**C. Transit Planning and Operations Committee**

Accepted the November 14, 2007 Summary Minutes as contained in the Agenda packet.

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

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

Accepted the November 7, 2007 Minutes as contained in the Agenda packet.

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

Accepted the November 7, 2007 Minutes as contained in the Agenda packet.

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

Accepted the November 7, 2007 Minutes as contained in the Agenda packet.

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

Accepted the November 8, 2007 Summary Minutes and October 11, 2007 Minutes as contained in the Agenda packet.

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

Accepted the November 8, 2007 Minutes as contained in the Agenda packet.

**34. 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.

**35. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)**

- A. **Vasona Light Rail PAB**

There was no report from the Vasona Light Rail PAB.

- B. **Silicon Valley Rapid Transit Corridor PAB**

**Accepted** the October 18, 2007 Minutes as contained in the Agenda packet.

- C. **Downtown East Valley PAB**

There was no report from the Downtown East Valley PAB.

- D. **Highway PAB – South**

**Accepted** the November 14, 2007 as placed on the dais.

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

**Accepted** the December 5, 2007 as placed on the dais.

**38. ANNOUNCEMENTS**

Board Member Sandoval **announced** that the bids for the Mary Avenue Bicycle and Pedestrian Bridge were lower than the engineers' estimates and that the groundbreaking will be held on January 24, 2008, 2:00 p.m. at Mary Avenue in the City of Cupertino.

**36. ADJOURNED TO CLOSED SESSION at 11:13 a.m.**

Board Member Reed left the meeting at 11:15 a.m.

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

Name of Case: North v. VTA and Grissom  
SCCSC Case No. 106 CV 158344

- 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)

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

Title: General Counsel

Board Member Liccardo left the meeting at 11:27 a.m.

**RECONVENED TO OPEN SESSION at 11:55 a.m.**

**37. CLOSED SESSION REPORT**

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

Name of Case: North v. VTA and Grissom  
SCCSC Case No. 106 CV 158344

Suzanne Gifford, General Counsel, **reported** that the Board of Directors approved the settlement and will be available upon request after agreement by both parties.

**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.

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

Title: General Counsel

Board Member Gage **reported** that this item will be continued to the January 2008 Board of Directors' Regular Meeting.

**39. ADJOURNED at 11:57 a.m.**