

**BOARD OF DIRECTORS MEETING**

December 13, 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 9:10 a.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  
Chuck Reed  
Dolly Sandoval  
Greg Sellers  
Forrest Williams  
Ken Yeager, Ex-Officio

**Members Absent**

David Cortese  
Laura Macias

**Alternates Present**

Kansen Chu  
Pete McHugh

**Alternates Absent**

Dominic Caserta  
Kathleen King  
Roland Velasco

\* 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.

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**

**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.

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

**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.

Vice Chairperson Kniss recognized Outgoing Board Member Kerr noting his service to various Committees. She thanked Board Member Kerr for his exemplary service to VTA. Chairperson Chu presented the resolution of commendation to Board Member Kerr. Board Member Gage recognized Outgoing Board Chairperson Chu. He noted the various Committees Board Chairperson Chu served. He thanked Board Chairperson Chu for his exemplary service to VTA. Vice Chairperson Kniss presented the resolution of commendation and plaque of appreciation to Board Chairperson 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, including the following:

- Thanked outgoing Board Members and Alternate Board Members for their contribution to VTA and their support to VTA staff;
- VTA participated in the Downtown San Jose Holiday Parade where the Community Bus and the Zero Emission Bus was displayed. VTA also had a booth during the event where people could get information about the upcoming service changes. Other VTA holiday activities include Toys for Tots, operation of the historic trolley at San Jose Downtown Mall during Saturdays until December 29, 2007, and the New Year's Eve free service from 7:00 p.m. to 3:59 a.m. on January 1, 2008.
- Overall ridership increased 2.8 percent, representing a slight decrease in light rail ridership but a 4.5 percent increase in bus ridership;
- State Auditor notified VTA that the audit will be conducted soon. The letter will be forwarded to the Board of Directors via e-mail. Mr. Burns assured that VTA will work with the state auditors with full cooperation.
- He discussed the efforts and plans involving the implementation of the Hay Group recommendations, including the appointment of Board Member Sellers as the chair of the Ad-Hoc Board Committee to work on the Governance issues and appointment of Board Member Cortese as the chair of the Audit Committee. A draft work plan for the Audit Committee is available for the Board Members' review.
- He introduced new Executive Staff Members, including: Chief External Affairs Officer Greta Helm and Chief Information Officer Gary Miskell;

- He stated that VTA expects to hire a new Chief Financial Officer (CFO) soon. In the interim, staff will request that Jerry G. Mikolajczyk's contract be extended until the new CFO is hired and provide assistance in the further implementation of the Hay Group's recommendations;
- The February 1, 2007 Board Summit in Santa Clara University will be facilitated by James Kouzes. He encouraged the Board Members to read Mr. Kouzes book, which is provided for them at the dais.
- 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. The list of activities and detailed planning document is available for the Board at the dais.

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. She presented the English and Spanish versions of the television ad, radio ad, internet ad at the Mercury News website, and bus shelter ad.

Upon inquiry of Vice Chairperson Kniss, Ms. Alaniz responded that the locations for the trip planning sessions were chosen based on location where there will be larger target audience. She noted that there were sessions held at different locations to ensure that residents from all parts of the County are made aware of the changes.

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**

### **2008 Board of Directors Meeting Calendar**

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

Chairperson Chu thanked the Board Members for their support and cooperation. He noted the Board's accomplishments in 2007 including: opening of Route 87 HOV Lanes north of I-280; commencement of construction for the 152/156 Interchange Improvements; adoption of a balanced, fiscally prudent budget for FY 2008-2009; successful landing of federal grant awards, achieving the publication of the Notice of Intent and beginning the federal environmental process for the BART project; and redesign of bus service delivery that will provide increased and faster service in our core network beginning 2008. He urged the Board to remain cooperative and continue to work collaboratively to be able to make further significant progress.

Chairperson Chu thanked General Manager Michael Burns and VTA staff for their support to him as chair and their diligent work to provide service to the community.

Vice Chairperson Kniss applauded Chairperson Chu for his service as the VTA Board of Directors Chairperson.

## 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 distributed a handout entitled, "Request for Change in Service – Respectfully submitted by the faculty of Westmont High School." He requested that the Board consider the following changes to Bus Route 60 that will be beneficial to the students: 1) Bus Route 60 turns right instead of left on Burrows three times in the morning and once in the afternoon; 2) Bus Route 60 then turns left at Westmont Avenue to stop at 4805 Westmont Avenue; 3) Bus Route 60 could utilize the school turnaround or city streets to continue back on its regular route; and 4) Under the proposal, southbound Bus Route 60 would stop at Westmont at 6:50 a.m., 7:35 a.m., and 8:10 a.m. while northbound Bus Route 60 would stop at Westmont at 2:30 p.m. He noted that the school would be willing to help to promote the proposed changes to Bus Route 60.

Jason Van Benthuisen, Westmont High School, addressed the Board and expressed support for the proposed changes to Bus Route 60 recommended by Mr. Kolda.

Board Member Sandoval referred the Westmont High School request to staff for consideration and requested that the item be brought back to the Transit Planning and Operations (TP&O) Committee after staff has reviewed the proposal.

## CONSENT AGENDA

### 10. Board of Directors' Workshop Meeting Minutes of October 19, 2007

M/S/C (Williams/Reed) to approve the Minutes of the Board of Directors' Workshop Meeting of October 19, 2007.

### 11. Minutes of November 1, 2007

M/S/C (Williams/Reed) to approve the Minutes of the Regular Board of Directors' Meeting of November 1, 2007.

### 12. Programmed Projects Quarterly Monitoring Report for July-September 2007

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. 2007 Congestion Management Program

M/S/C (Williams/Reed) to approve the 2007 Santa Clara County Congestion Management Program (CMP).

**15. Amendment of VTA Administrative Code to Allow Ex-Officio Board Members to Attend Closed Sessions**

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.

**ADMINISTRATION AND FINANCE COMMITTEE**

**16. Citizens Advisory Committee Appointment**

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. Non-Represented Employees Benefits Program**

M/S/C (Williams/Reed) to approve benefits program changes for Non-Represented employees.

**19. Caltrans' Planning Grant for the Eastridge Transit Center Access Plan**

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. Cooperative Agreement with the City of San Jose for Funding for the US 101 Operational Improvement Project (Yerba Buena Road to I-280)**

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. SamTrans Transfer Agreement**

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. 2008 Federal Legislative Program**

M/S/C (Williams/Reed) to approve the 2008 Federal Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

**CONGESTION MANAGEMENT PROGRAM AND PLANNING (CMPP) COMMITTEE**

**NOTE: THE CMPP COMMITTEE DID NOT MEET IN NOVEMBER 2007**

There are no items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.

**TRANSIT PLANNING AND OPERATIONS COMMITTEE**

**23. Bus Service plan and Impacts to ADA Paratransit Service Area**

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. Amendment of the Investment Policy for Unrestricted and Restricted Funds**

Mr. Burns noted that the main substance of the change in policy is to discontinue including the over 100-page quarterly report in the Administration and Finance (A&F) packet but continue to include the summary report in the Administration and Finance packet. Mr. Burns noted that at the A&F Committee Meeting, the A&F Committee directed that the CFO continue to prepare the quarterly report for the General Manager and the Auditor General's review. Mr. Burns noted that this language was inadvertently left out in the staff report and suggested that the Board include that language as an amendment to the policy.

Board Member Reed stated that since the quarterly report is a public document, it should be made available upon request.

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. 2007 Bicycle Technical Guidelines (BTG) Update**

Board Member Gage expressed concern about some of the guidelines contained in the Bicycle Technical Guidelines (BTG). Specifically, he expressed concern about the 24/7 access to bike paths and noted that it would create challenges to the jurisdictions

including security, maintenance, and environmental concerns. He inquired if the Bicycle Technical Guidelines (BTG) will be used as a guideline or 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 recognizes the guideline as a “best practice”. This memo contains the other changes in language that were agreed to by the Parks and Recreation. He added that VTA will not use the BTG as an eligibility requirement for projects. Mr. Burns clarified that although some of the guidelines noted in the BTG may be required by the funding agency, these requirements will not come from VTA.

**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.

#### **24. 2008 State Transportation Improvement Program (STIP) and Related Actions**

John Ristow, Chief Congestion Management Agency (CMA) Officer, reported that as the CMA, VTA has the responsibility to prioritize and program discretionary Federal, State, regional, and certain local funds for Transportation projects in Santa Clara County. VTA’s 2008 State Transportation Improvement Program (STIP) is due to the Metropolitan Transportation Commission (MTC) on December 18, 2007.

Marcella Rensi, Transportation Planning Manager, reviewed the Proposed 2008 STIP and Local Program Reserve (LPR) Program (Attachment A to the Board memorandum), highlighting the various proposed projects. She noted that staff proposes the Airport People Mover project be the subject of the Fund Exchange.

**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. FY 07/08 Local Streets and County Roads (LS & CR) Program**

Mr. Ristow reported that the Local Streets and County Roads (LS & CR) Program was a program established in the Valley Transportation Plan (VTP) 2030. Mr. Ristow noted that the recommended projects are listed in Attachment A. These projects went through a scoring committee consisted of various staff from Member Agencies.

Pete McHugh, VTA Alternate Board Member and Santa Clara County Supervisor, addressed the Board of Directors and inquired if any future changes to the ranking criteria will impact the projects noted in Attachment A.

Mr. Ristow stated that the Advisory Committees will be considering changes to the planning and the programming criteria, which will be used for the new update of the VTP 2035. He noted that the project listed in attachment A were under the VTP 2030.

**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.

**26. Programming of Local Program Reserve (LPR) Funds**

Mr. Ristow reported that this item returns the remaining balance from allocated funds and the un-needed funds back to the LPR fund. This also recommends funding to new additional projects.

**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.)**

**27. 2008 Short Range Transit Plan**

Mr. Ristow provided a brief explanation of the Short Range Transit Plan (SRTP), noting that it is a ten-year transit and planning document as well as budget planning tool. Mr. Ristow noted that the full SRTP is done every four years and during the intervening years, a Mini-SRTP is prepared.

Kevin Connolly, Transportation and Planning Manager, stated that the Capital Improvement Program in the VTA SRTP does not include the Measure A revenues and projects and are only included as part of the appendix. Caltrain, on the other hand, included the those numbers. He stated that VTA and Caltrain staff are working together to find out precisely the reason for amount differences.

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

Board Member Kerr inquired if VTA will provide its fair share of funding towards the Caltrain Capital Improvement Plan. Mr. Lawson stated that VTA will provide its due

share, and VTA and Caltrain staff will work through the discrepancy in both plans and will have a peaceful resolution to the issue.

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

**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. Guadalupe South Line Platforms Retrofit Project Award**

Mark Robinson, Acting Chief Engineering and Construction Officer, noted that this is the third and final phase of the Guadalupe Platform Retrofit Project. This project will involve raising platforms and general rehabilitation from Children's Discovery Museum Light Rail Station to Santa Teresa. Mr. Robinson noted that service will not be impacted during construction as there will be bus bridges. There will also be a Community Outreach strategy to provide early, frequent, and effective communication to riders and local community to ensure minimum disruption and inconvenience.

Mr. Robinson noted that Robert A. Bothman, Inc. completed satisfactory work for VTA in the past (Downtown Platforms Retrofit Project). Mr. Robinson noted that it is necessary to transfer \$10,000,000 from the FY 2009 budget to the FY 2008 budget to be able to complete the project. He added that the project is eligible for and programmed to receive federal grants within the next three years to cover for 80 percent of project costs.

**M/S/C (Sandoval/Williams)** on a vote of 11 ayes, 0 noes, and 0 abstention 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. West San Carlos Joint Venture – Status Report**

Chris Augenstein, Planning and Programming Deputy Director, reviewed the VTA Joint Development Program goals, the process involving the award of the West San Carlos, and the role and significance of the project. He provided visuals for the site, the developments surrounding the site, and the planned transit developments around the site. Mr. Augenstein stated that the development team purchased the Union Pacific Railroad right-of-way and has the option to purchase the entire site, which will make the project more transit-oriented.

Mr. Augenstein provided a project status overview, highlighting that VTA awarded to Green Republic LLC in September 2006; exclusive negotiations began in April 2007; and selection of architect was done in June 2007. He discussed the recent and current efforts including: initial meetings with the City of San Jose staff and community members; conceptual land plan and design plans are on-going; community involvement/outreach plan; met Exclusive Negotiating Agreement milestones; and VTA and the developer are currently working to finalize the Disposition and Development Agreement (DDA).

Michael Van Every, Republic Properties, introduced the Development Team members and noted that the partnership is between Green Valley Corporation and Republic Properties.

Yvonne Ryzak, Consultant, noted that she is responsible for the community ascertainment for this development. The goal is to gather input from neighborhood stakeholders to identify community needs and issues and be able to incorporate the findings into the project plan and be able to present a project to the community that reflects their input.

Mr. Van Every discussed the design and development challenges noting that the development is limited by the neighborhood concerns, product type, and the current real estate market. Mr. Van Every engaged the Steinberg Architects to create the design concept for the project. Currently, the development team is working on the details of the DDA as it will establish the land price. The development team is in contract for eight acres, including the three acres that is not VTA property. He noted that the acquisition of the additional property was done to best meet long-term community needs, including open spaces and retail.

Mr. Augenstein discussed the next steps, which include a final DDA by Winter 2008; Community Discovery from December 2007 to March 2008; Conceptual design completion by March 2008; Preliminary Application submittals to San Jose by April 2008; Complete Environmental Clearances by February 2009; continuously work with VTA and the community; and construct the project. The first unit is expected to be completed by 2010.

Ex-Officio Board Member Yeager thanked staff and the development team for the regular update. He noted that he anticipates conflict with the current neighborhood in the site area. He inquired about the flexibility built in the plan, if the neighborhood wants a smaller development. He also inquired about the strategies to ensure that the project is economically viable but still adheres to VTA and City guidelines.

Mr. Van Every responded that the development team is taking an approach wherein all the issues are considered including the input from the public process, the City and VTA. He added that the City of San Jose now has a High-Rise Architectural Committee that

requires further public process. He noted that the development team aims to provide a transit-oriented project with vibrant retail and open space.

Ex-Officio Board Member Yeager noted that the development team should look at prototypes such as the Del Monte and Tamien Tower to ensure that the development at West San Carlos is compatible to the neighborhood.

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 Sandoval asked about the timeline for acquiring the additional three acres of the site. She inquired about the difference between KB Homes Development and the West San Carlos development.

Mr. Van Every stated that the timeline for acquisition will be driven by the DDA along with certain market conditions. Mr. Van Every stated that KB Homes' development near the site is around 55 to 60 feet, while the development team is contemplating a design with a height between 60 to 120 feet. Mr. Van Every clarified that the design plan is yet to be finalized.

Board Member Campos noted the importance of breaking language barriers during the community outreach process.

Board Member Gage expressed concern about too much flexibility in the plan, which could lead to lower density. He noted the importance of high-density projects as it will help realize the projected ridership, which could help farebox recovery. He noted that density in transit-oriented development projects could support the transit investment such as the BART Extension Project. He noted that the San Jose City Council should take serious consideration to the density issue.

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.

Board Member Gage noted the importance of understanding the neighborhood needs and issues prior to designing and building a project. He noted that in past developments, neighborhoods are mostly concerned about the congestion and their access to freeways and other roadways.

**On order of Chairperson Chu**, there being no objection, the West San Carlos Joint Venture Status Report was received.

### **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 possibly implement mid-year cuts. He noted

that VTA should be vigilant about local government revenues when the legislature considers the budget.

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

**31. 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.

**32. SUMMARY MINUTES FROM STANDING COMMITTEES**

**A. Administration and Finance Committee**

**On order of Chairperson Chu**, there being no objection, the November 15, 2007 Summary Minutes were accepted 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**

**On order of Chairperson Chu**, there being no objection, the November 15, 2007 Summary Minutes were accepted as contained in the Agenda packet.

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

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

**On order of Chairperson Chu**, there being no objection, the November 7, 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 November 7, 2007 Minutes were accepted as contained in the Agenda packet.

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

**On order of Chairperson Chu**, there being no objection, the November 7, 2007 Minutes were accepted as contained in the Agenda packet.

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

**On order of Chairperson Chu**, there being no objection, the November 8, 2007 Summary Minutes and October 11, 2007 Minutes were accepted as contained in the Agenda packet.

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

**On order of Chairperson Chu**, there being no objection, the November 8, 2007 Minutes were accepted 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, noted that he attended the MTC meeting and noted that MTC discussed the Americans with Disability Act (ADA) issue. He stated that VTA should have extended bus service during nighttime.

Chairperson Chu noted that MTC discussed the regional allocation of funding for Lifeline and paratransit service. The decision was delayed for 30 days to allow the Minority Citizens Advisory Committee (MCAC) to come back with further recommendations on allocations.

**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**

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

**C. Downtown East Valley PAB**

There was no report from the Downtown East Valley PAB.

**D. Highway PAB – South**

**On order of Chairperson Chu**, there being no objection, the November 14, 2007 report was accepted as contained on the dais.

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

**On order of Chairperson Chu**, there being no objection, the December 5, 2007 report was accepted as contained 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. ADJOURNMENT**

**On order of Chairperson Chu**, there being no objection, the meeting was adjourned at 11:57 a.m.

Respectfully Submitted,

Elaine F. Baltao, Board Assistant  
VTA Board of Directors