

SUMMARY MINUTES
VTA Board of Directors
Thursday, January 3, 2008
70 West Hedding Street
San Jose, CA

1. **CALLED TO ORDER at 5:35 p.m.**
2. **ADMINISTER OATHS OF OFFICE** to newly appointed Board Members David Casas, representing City of Los Altos; Nancy Pyle, representing the City of San José; and Dominic Caserta representing the City of Santa Clara.
3. **ROLL CALL**

Board Members Present: Casas, Caserta, Gage, Kniss, Pyle, Reed, Sandoval, Sellers, Williams

Board Members Absent: Campos, Kishimoto, Liccardo

Alternate Board Members Present: None

Alternate Board Members Absent: Cortese, King, Livengood, McHugh

Ex-Officio Board Member Present: Chu, Yeager

Ex-Officio Board Member Absent: None

* Alternates do not serve unless participating as a Member.

A quorum was present.

4. **ORDERS OF THE DAY**

There were no Orders of the Day.

5. **AWARDS AND COMMENDATIONS**

- A. **Employees of the Month for January 2008**

Recognized Thang Tran, Mail Messenger, River Oaks Administration; and Cirilo Paredes, Coach Operator, Chaboya Division, as Employees of the Month for January 2008. Steve Holt, Transit Mechanic, Chaboya Maintenance, was unable to attend.

- B. **Resolution for Retiring VTA Employee Sherry Wilkins**

Vice Chairperson Sandoval **recognized and presented** award to Sherry Wilkins, Material Resource Scheduler, for 30.6 years of service.

M/S/C (Gage/Caserta) to **adopt a Resolution** recognizing Sherry Wilkins, Materials Resource Scheduler, for 30.6 years of service.

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

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

Chris Moylan, Policy Advisory Committee (PAC) Chairperson, **provided** a report highlighting the following recommendations: 1) High Occupancy Toll (HOT) lane projects that passed on a vote of six ayes to four noes; 2) Implementation of the Screening Program that passed on a vote of nine ayes to two noes; 3) Criteria for the Local Streets and County Roads Program; 4) Caltrain Service Upgrades for Safety Improvements; 5) Not to combine PAC and Technical Advisory Committee (TAC) nor have the City Managers serve as the alternates to PAC; and 6) Restructure County Governance to address high amount of turn-over by the Board of Directors.

Mr. Moylan **distributed and provided** a brief report about the PAC attendance.

7. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, **provided** a report noting the following: 1) Board Summit Meeting on February 1, 2008 at 1:30 p.m.; 2) Successful Free Service during New Year's Eve; 3) Preparations for the storm; 4) Caltrain Joint Powers Board (JPB) labor dispute; 5) Implementation of the New Service Plan on January 14, 2008; and 6) Revised Resolution for Agenda Item #18.

8. REPORT FROM THE CHAIRPERSON

Approve Appointments to Board Standing Committees for 2008

M/S/C (Gage/Sandoval) to **approve** appointments to Board Standing Committees for 2008.

Chairperson Kniss **provided** a brief report highlighting: 1) New Service Plan; 2) Positive feedback about VTA by the Palo Alto Daily News; 3) 2000 Measure A long-term plan; 4) Governance issues; 5) Audit Committee; 6) Valley Transportation Plan (VTP) 2035; and 7) Continuous support to the Regional Transportation System.

Chairperson Kniss **recommended** the following changes to the VTA Board Meeting Agenda: 1) Board meetings should end by 8:30 p.m.; 2) Move the Closed Session Item to the beginning of the Agenda to start at 5:30 p.m. and the Regular Board of Director's meeting to start at 6:00 p.m.; 3) Actions from the Standing Committees be included in the Board of Director's packet; 4) Items removed from the Consent Agenda will be discussed at the end of the Regular Agenda; 5) Public Presentations be moved to the end of the Agenda; 6) Make important Agenda Items time certain; 7) Produce sense minutes; and 8) Formation of an Executive Committee.

9. PUBLIC PRESENTATIONS

Bob Shaw, Interested Citizen, **expressed** concern regarding transportation issues facing VTA.

Eugene Bradley, Interested Citizen, **requested** for a written notice regarding the Customer Service Department's policy to follow up and return calls of complainants.

Michael Wilhelmi, Interested Citizen, **expressed** concern regarding the posting of Happy Holidays on head-signs of Buses and Light Rail trains.

Tom Fink, Political Director, Amalgamated Transit Union (ATU) Local 265, **expressed** appreciation to all the parties involved in the contract negotiations between VTA and ATU. He **expressed** appreciation to Chairperson Kniss for facilitating the communication between VTA and ATU.

CONSENT AGENDA

10. **M/S/C (Sellers/Pyle)** to **approve** the Minutes of the Regular Board of Directors' Meeting of December 13, 2007.
11. **M/S/C (Sellers/Pyle)** to **ratify** the appointments of Chris Fernandez representing County of Santa Clara and Cheryl Bunnell representing the City of Milpitas to the Bicycle and Pedestrian Advisory Committee (BPAC) for the term ending June 30, 2008.
12. **M/S/C (Sellers/Pyle)** to **approve** nominations to fill vacancies on the Committee for Transit Accessibility (CTA) for a two-year term beginning January 1, 2008.
13. **M/S/C (Sellers/Pyle)** to **adopt** a resolution authorizing the General Manager to execute with the California Department of Transportation (Caltrans) – all Master Agreements, Program Supplement Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto and all other necessary agreements and documents to accept and use Federal and State funds.
14. **M/S/C (Sellers/Pyle)** to **adopt** a resolution authorizing the General Manager to execute fund transfer agreements with the State of California Department of Transportation for fiscal years 2008 and 2009 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring Program
15. **Received** the Proactive CMP Reviewed and Approved Projects Quarterly Report July through September 2007.

16. **M/S/C (Sellers/Pyle)** to **approve** the modification of criteria used to evaluate and select projects for the Local Streets & County Roads (LS&CR) Program.
17. **M/S/C (Sellers/Pyle)** to **approve** a countywide review and screening of candidate locations for noise reduction projects on freeways and expressways, and approve the use of up to \$400,000 in Congestion Management Program budget to implement the screening program.
18. **M/S/C (Sellers/Pyle)** to **adopt** a resolution certifying that VTA is an eligible and responsible sponsor for the San Jose Airport People Mover Project in the State Transportation Improvement Program and authorize the General Manager to submit applications for Regional Transportation Improvement Program (RTIP) funding for this project.

TRANSIT PLANNING AND OPERATIONS COMMITTEE
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19. **M/S/C (Sellers/Pyle)** to **authorize** the General Manager to execute a contract with Kinetics Mechanical Service Incorporated, the lowest responsible and responsive bidder, for the replacement of five heating ventilation and air conditioning (HVAC) units and the addition of one unit heater at the Guadalupe Light Rail Division in the amount of \$394,679.
20. **M/S/C (Sellers/Pyle)** to **authorize** the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in an amount of \$1,791,940 for the construction of the Rail Rehabilitation – Downtown Transit Mall Project. This contract is 80 percent federally funded.
21. **M/S/C (Sellers/Pyle)** to **authorize** the General Manager to execute a contract with Pacific States Environmental Contractors, Inc., the lowest responsible bidder, in the amount of \$1,190,872 for contaminated soil transportation and disposal from VTA's Newhall Yard site to a State permitted landfill site. Also, authorize a contingency amount of \$300,000 for additional contaminated soil disposal, if necessary, in lieu of the 15 percent change order contingency delegated to the General Manager.
22. **M/S/C (Sellers/Pyle)** to **authorize** the General Manager to: 1) amend the contract with ARUP LTD to develop a Bus Rapid Transit (BRT) Strategic Plan to study candidate BRT corridors identified in VTA's long-range plan; increase the approved contract value by \$440,000 for a new total contract value of \$1,540,000; and 2) extend the term of the contract through October 3, 2010.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE
NOTE: THE A&F COMMITTEE DID NOT MEET IN DECEMBER 2007

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

CONGESTION MANAGEMENT PROGRAM AND PLANNING (CMPP) COMMITTEE
NOTE: THE CMPP COMMITTEE DID NOT MEET IN DECEMBER 2007

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

REGULAR AGENDA

23. M/S/C (Gage/Caserta) to **approve** the 2008 State Legislative Program for the Santa Clara Valley Transportation Authority (VTA).
24. M/S/C (Gage/Williams) to **request** an allocation of \$6,882,201 from the Metropolitan Transportation Commission (MTC) for work to be performed for the TransLink® Ticket Vending Machine Integration project, as stated in the Initial Project Report (IPR).

Chairperson Kniss requested that VTA test the prototype of the Translink Ticket Vending Machine when it is available.

Board Member Williams requested to receive more information on the complexity of the Translink System.

25. M/S/C (Gage/Williams) to **approve** the list of projects for the Caltrain Service Upgrades – Safety Improvements Project.
26. M/S/C (Gage/Sellers) to **approve** the settlement reached with Stevens Creek Quarry, Inc. to resolve the Government Code Claim on the River Oaks Bicycle and Pedestrian Bridge construction contract in the total amount of \$500,486 which includes release of retention in the amount of \$148,486 and additional payment in the amount of \$352,000. Authorize the General Manager to amend the construction contract by \$352,000 for a new contract amount of \$2,142,096. This exceeds the currently approved Board authorized contract authority by \$97,651. Additionally, to fund the settlement and associated administrative costs, authorize a \$250,000 increase in appropriation to the River Oaks Bicycle and Pedestrian Bridge Project in the VTP Highway Program. This appropriation will increase the project budget from \$3,322,000 to \$3,572,000.

**TRANSIT PLANNING AND OPERATIONS COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #29.C.)**

27. M/S/C (Sandoval/Sellers) to **approve** the modification to the existing Community Bus Line 88 starting in July 2008 to serve both Midtown and South Palo Alto, provide additional peak period frequency and expand service to Gunn High School; further, approve the deletion of Community Bus Line 89 and reinvest the service hours into the modified Community Bus Line 88.

Penny Ellson, Interested Citizen, **addressed** the Board of Directors.

Eugene Bradley, Interested Citizen, **addressed** the Board of Directors.

Steve Emslie, Interested Citizen, **addressed** the Board of Directors.

**ADMINISTRATION AND FINANCE (A&F) COMMITTEE
NOTE: THE A&F COMMITTEE DID NOT MEET IN DECEMBER 2007**

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

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

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

OTHER ITEMS

28. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

29. SUMMARY MINUTES FROM STANDING COMMITTEES

A. Administration and Finance Committee

Accepted the December 20, 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 December 20, 2007 Summary Minutes as contained in the Agenda packet.

30. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

Accepted the December 12, 2007 Minutes as contained in the Agenda packet.

Eugene Bradley, Interested Citizen, addressed the Board of Directors.

Vice Chairperson Sandoval directed staff to respond to the issue of loading oversized scooters in buses that was brought up by Eugene Bradley.

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

There was no report from the CAC and CWC.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

There was no report from the BPAC.

D. Technical Advisory Committee (TAC)

There was no report from the TAC.

E. Policy Advisory Committee (PAC)

There was no report from the PAC.

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

Chairperson Kniss 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)**

32. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Vasona Light Rail PAB

There was no report from the Vasona Light Rail PAB.

B. Silicon Valley Rapid Transit Corridor PAB

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

C. Downtown East Valley PAB

There was no report from the Downtown East Valley PAB.

D. Highway PAB – South

There was no report from the Highway PAB – South.

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

There was no report from the I-680 Sunol SMART Carpool Lane Policy Advisory Committee.

33. ADJOURNED TO CLOSED SESSION at 7:02 p.m.

- A. 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)

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

Title: General Counsel

RECONVENED TO OPEN SESSION at 8:05 p.m.

34. CLOSED SESSION REPORT

- A.** 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)

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

Title: General Counsel

Chairperson Kniss **reported** that there was no reportable action taken during Closed Session.

35. ANNOUNCEMENTS

There were no Announcements.

36. ADJOURNED at 8:05 p.m.