

**CALLED TO ORDER** at 5:33 p.m.

**1. ADMINISTER OATHS OF OFFICE**

There were no Oaths of Office Administered.

**2. ROLL CALL**

**Board Members Present:** Campos, Casas, Caserta, Gage, Kishimoto, Kniss, Liccardo, Pyle, Reed, Sandoval, Sellers, Williams

**Board Members Absent:** None

**Alternate Board Members Present:** McHugh

**Alternate Board Members Absent:** Cortese, King, Livengood, Moylan

**Ex-Officio Board Member Present:** Yeager

**Ex-Officio Board Member Absent:** Chu

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

**A quorum was present.**

**3. ADJOURNED TO CLOSED SESSION at 5:35 PM**

- 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 6:25 PM**

**4. 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)

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

- 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.

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

Authorize the General Manager to approve the terms and conditions of a labor agreement between VTA and the Amalgamated Transit Union (ATU) Local 265.

**6. ORDERS OF THE DAY**

There were no Orders of the Day.

**7. AWARDS AND COMMENDATIONS**

**Employees of the Month and Supervisor of the Quarter for February 2008**

Chairperson Kniss **recognized and presented** awards to the following recipients: Olga Perez, Office Specialist II, River Oaks Administration; Jasbir Bains, Coach Operator, North Division; Gilbert Guevara, Facilities Worker, Guadalupe Division, as Employees of the Month for February 2008; and Stan Heffner, Survey and Mapping Manager, Construction Division, as Supervisor of the Quarter.

**8. REPORT FROM THE GENERAL MANAGER (Verbal Report)**

Michael T. Burns, VTA General Manager, provided a report noting the following: 1) Thanked staff and Board for successful Implementation of New Bus Service; 2) Ridership Report; 3) Platform Retrofit Project construction; 4) VTA's regional presence and relationship with Metropolitan Transportation Commission (MTC); 5) The possible impact on funding for transportation in Santa Clara County by MTC's proposed toll assistance; 6) Thanked Board of Directors for attending the Board Summit; and 7) VTA Board of Directors Financial Meeting Update on March 6, 2008.

Michael Ludwig, Interested Citizen, **addressed** the Board of Directors.

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

**9. REPORT FROM THE CHAIRPERSON (Verbal Report)**

Chairperson Kniss distributed a report regarding Governance issues, and invited Board Member Sellers, Chairperson of the Ad Hoc Governance Committee, to describe the report and its recommendations more fully.

Board Member Sellers then provided a brief overview of the report, which described several possible ways to achieve committee goals.

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

Policy Advisory Committee (PAC) Vice Chairperson, Margaret Abe-Koga, reported on the January 10, 2008 PAC meeting highlighting: 1) Chris Moylan was elected to serve as the PAC Chairperson. This motion was passed with less than a quorum present; 2) Margaret Abe-Koga was elected to serve as PAC Vice Chairperson for 2008; 3) Received a report on Valley Transportation Plan (VTP) 2035; 4) Received a Report on the VTA Sustainability Program; 5) Received a presentation from the City of Morgan Hill regarding their transportation needs.

**CONSENT AGENDA**

Chairperson Kniss **noted** that Agenda item #13, **Approve the VTA Sustainability Program Guidelines**, will be taken off the Consent Agenda per public request.

**11. M/S/C (Gage/Reed) to approve the Minutes of the Regular Board of Directors' Meeting of January 3, 2008.**

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

12. **M/S/C (Gage/Reed)** to **ratify** the appointments of Lane Parker to the Bicycle and Pedestrian Advisory Committee (BPAC) representing the City of San Jose for the term ending June 30, 2008.
  
13. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**  
  
Approve the VTA Sustainability Program Guidelines.
  
14. **M/S/C (Gage/Reed)** to **approve** a payment schedule to reimburse the San Mateo County Transit District (SamTrans) for the Santa Clara Valley Transportation Authority's (VTA) share of the purchase of the Caltrain Right-of-Way (ROW) through projected gasoline "spillover" funds consistent with the schedule developed by the Metropolitan Transportation Commission (MTC) for their repayment share; and authorize the General Manager to enter into all necessary funding agreements to make the payments.
  
15. **M/S/C (Gage/Reed)** to **authorize** staff to submit an application to the U.S. Department of Transportation under the Congestion Reduction Demonstration Initiative for the Route 237/I-880 HOV Direct Connector; and authorize the General Manager to enter into all necessary agreements with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), Caltrans and MTC to accept and use these funds, if awarded.
  
16. **M/S/C (Gage/Reed)** to **authorize** the General Manager to execute Utility Relocation Agreements with MCI Communications Services, Inc.(MCI) in an amount not to exceed \$22,300,000 and Santa Fe Pacific Pipeline, L.P. (SFPP) in an amount not to exceed \$9,000,000. These Agreements are required in order to clear communication and petroleum facilities from VTA's freight rail corridor, formerly known as the WP Milpitas Line, thereby enabling the use of that corridor for future transportation-related improvements.
  
17. **M/S/C (Gage/Reed)** to **receive** a Progress Report for the 1996 Measure B Transportation Improvement Program for December 2007.

## **REGULAR AGENDA**

13. **Approve the VTA Sustainability Program Guidelines.**

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

**M/S/C (Gage/Reed)** to **approve** the VTA Sustainability Program Guidelines.

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18. M/S/C (Caserta/ Sellers) to defer the adoption of Resolutions of Necessity until the March Board meeting.

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

**B2019-01, -02, -03 (APN 022-31-028) owned by Brian E. Horner**

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

**B2605-02, -03 (APN 519-1010-073-01) owned by AMB-SGP CIF-California, LLC**

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

**B2603 -01 (APN022-31-000) owned by Heirs or Deviseses of Abraham Weller**

Theodore R. Weller, Jr., Interested Citizen, **addressed** the Board of Directors.

Chairperson Kniss **directed** staff to work with Mr. Weller to reach an agreement concerning the parcel owned by the Heirs or Deviseses of Abraham Weller.

Michael Thornton, Attorney for Mr. Brian E. Horner, **addressed** the Board of Directors.

Chairperson Kniss **directed** staff to work with Mr. Brian E. Horner and his Attorney, Mr. Thornton, to reach an agreement concerning the parcel owned by Mr. Horner.

19. M/S/C (Sandoval/Kniss) to **authorize** the General Manager to extend the exclusive negotiating period with Green Republic, LLC, the selected developer on the West San Carlos Joint Development Project, for up to 90 days. Green Republic, LLC is required to hold three public meetings within 60 days and **notify** all residents and landowners within 1000 feet of the parcels. Further, Green Republic, LLC is required to **provide** a report of the meetings to the Board in 60 days.

Hugh Graham, representing the Willow Glen Neighborhood Association, **addressed** the Board of Directors.

Michael LaRocca, representing the Burbank/Del Monte Neighborhood Advisory Committee, **addressed** the Board of Directors.

Robert Solis, representing the Burbank/Del Monte Neighborhood Committee and the Buena Vista Neighborhood Association, **addressed** the Board of Directors.

Brian Ward, President of the Buena Vista Neighborhood Association, **addressed** the Board of Directors.

Deborah Arant, representing the Shasta/Hanchett Park Neighborhood Association, **addressed** the Board of Directors.

Richard F. Zappelli, representing the Willow Glen Neighborhood Association, **addressed** the Board of Directors.

Richard H. Nieset, representing the Shasta/Hanchett Park Neighborhood Association, **addressed** the Board of Directors.

Ruth Cavagnaro-Gilwee, Board Member of the Shasta/Hanchett Park Neighborhood, **addressed** the Board of Directors.

20. **M/S/C (Sandoval/Williams)** to **approve** the recommended Debt Reduction Fund Policies which authorize the General Manager to establish the Transit Enterprise Debt Reduction Fund and Measure A Debt Reduction Fund. Further **grant** the General Manager the authorization to use such funds for purposes consistent with the approved policies.
21. **M/S/C (Liccardo/Reed)** to **approve** the submittal of an application for a \$5 million grant from the Proposition 1B- Trade Corridors Improvement Fund to fund environmental studies for a new alignment of State Route 152; and **approve** the programming of \$5 million in Local Program Reserve funds to serve as the required local match, pending approval of the grant by the California Transportation Commission; and **authorize** the General Manager to execute all necessary agreements with the State to accept and use the grant funds, if awarded.

Jerry Grace, Interested Citizen, **addressed** the Board of Directors.

## **OTHER ITEMS**

### **22. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

There were no Items of Concern and Referral to Administration.

### **23. MONTHLY LEGISLATIVE HISTORY MATRIX**

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

### **24. MINUTES FROM STANDING COMMITTEES**

#### **A. Administration and Finance Committee**

**Accepted** the January 17, 2008 Minutes as contained on the dais.

#### **B. Congestion Management Program and Planning Committee**

**Accepted** the January 17, 2008 Minutes as contained in the Agenda packet.

#### **C. Transit Planning and Operations Committee**

Accepted the January 16, 2008 Minutes as contained in the Agenda packet.

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

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

Accepted the January 9, 2008 Minutes as contained in the Agenda packet.

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

Accepted the January 9, 2008 Minutes as contained in the Agenda packet.

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

Accepted the January 9, 2008 Minutes as contained in the Agenda packet.

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

Accepted the January 10, 2008 Minutes as contained on the dais.

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

Accepted the January 10, 2008 Minutes as contained on the dais.

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

**A. Peninsula Corridor JPB**

Accepted the February 7, 2008 Minutes as contained on the dais.

**B. Capitol Corridor JPB**

Member Williams provided a brief report on the Capitol Corridor JPB.

**C. Dumbarton Rail Corridor Policy Committee**

There was no report from the Dumbarton Rail Corridor Policy Committee.

**D. Metropolitan Transportation Commission (MTC)**

Accepted the January 23, 2008 Minutes as contained on the dais.

**27. 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 January 16, 2008 Minutes 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.

**28. PUBLIC PRESENTATIONS**

Ross Signorino, Interested Citizen, expressed concern with the public presentation item being moved to the end of the Agenda.

Margaret Okuzumi, Interested Citizen, expressed concern with public presentation item being at the end of the Agenda. Ms. Okuzumi noted that the Governance Issue was not on the Agenda. Ms. Okuzumi announced the upcoming Transit Camp and invited VTA Staff and the Board to attend.

Jerry Grace, Interested Citizen, wished everyone a Happy New Year.

Michael Ludwig, Interested Citizen, expressed concern with the public presentation item being moved to the end of the Agenda.

**29. ANNOUNCEMENTS**

There were no Announcements.

**30. ADJOURNED** at 9:06 p.m.