

# BOARD OF DIRECTORS MEETING

February 7, 2008

## REVISED MINUTES

### CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Chairperson Kniss at 5:33 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

#### 1. ADMINISTER OATHS OF OFFICE

There were no Oaths of Office Administered.

#### 2. ROLL CALL

##### Members Present

Nora Campos  
David Casas  
Dominic Caserta  
Don Gage  
Yoriko Kishimoto  
Liz Kniss, Chairperson  
Sam Liccardo  
Nancy Pyle  
Chuck Reed  
Dolly Sandoval, Vice Chairperson  
Greg Sellers  
Forrest Williams  
Ken Yeager, Ex-Officio

##### Members Absent

Dean J. Chu, Ex-Officio

##### Alternates Present

Pete McHugh

##### Alternates Absent

Dave Cortese  
Kathleen King  
Bob Livengood  
Chris Moylan

\* 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 noted that there was no reportable action taken during Closed Session.

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

Title: General Counsel

Chairperson Kniss noted 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**

Michael T. Burns, VTA General Manager thanked staff and the Board for successful Implementation of the New Bus Service. Mr. Burns noted that VTA will continue to seek ways to improve service and that there are more changes to come.

Mr. Burns provided information on the December 2007 Ridership Report noting an overall increase in ridership.

Board Member Caserta left his seat at 6:30 p.m.

Mr. Burns announced that the Platform Retrofit Project construction has begun at the Tamien Station.

Mr. Burns noted that VTA needs to increase its regional presence and relationship with the Metropolitan Transportation Commission (MTC).

Mr. Burns reported that MTC is discussing supplementing \$1 of the \$2 toll increase that has been proposed for Doyle Drive in San Francisco, and it may impact funding for transportation in other counties, especially Santa Clara.

Mr. Burns thanked Board Members for attending the Board Summit.

Mr. Burns announced the March 6, 2008 VTA Financial Management Update Meeting, noting that Jerry Mikolajczyk, Finance Advisor-Internal Control Specialist, will provide information on VTA's financial position.

Michael Ludwig, Interested Citizen, expressed concerns with the online bus routes and schedules and asked that the issues be addressed.

Eugene Bradley, Interested Citizen, commended VTA for having staff on hand during the fire downtown, but noted he would like to see procedures in writing for emergency situations. Mr. Bradley also expressed concern regarding Valley Transportation Plan (VTP) 2035 public meetings.

Board Member Caserta took his seat at 6:35 p.m.

**9. REPORT FROM THE CHAIRPERSON**

Chairperson Kniss thanked everyone who attended the Board Summit.

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. She reminded the Board that the main goal of the Governance Committee is to identify ways to increase the tenure of Board Members and increase their experience level and relevance in policy making.

Board Member Sellers then provided a brief overview of the report, which described several possible ways to achieve committee goals, including; 1) Converting to geographically contiguous areas and having representatives from each area as opposed to a particular city; 2) providing for 4-year terms rather than 2-year terms; 3) Identifying individuals prior to the rotation to ensure that individuals within each grouping have several years of experience with VTA; and 4) Rearranging the City groupings.

**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; and 5) Received a presentation from the City of Morgan Hill regarding their transportation needs.

**CONSENT AGENDA**

**11. Minutes of the Regular Board of Directors' Meeting of January 3, 2008.**

**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. Bicycle and Pedestrian Advisory committee Appointments**

M/S/C (Gage/Reed) to ratify the appointment 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.)**

VTA Sustainability Program Guidelines

**14. Caltrain Right-of-Way (ROW)**

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. Congestion Reduction Demonstration Initiative**

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. Utility Relocation Agreements with MCI Communications Services, Inc. (MCI) and Santa Fe Pacific Pipeline, L.P. (SFPP)**

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. Progress Report for the 1996 Measure B Transportation Improvement Program**

M/S/C (Gage/Reed) to receive a Progress Report for the 1996 Measure B Transportation Improvement Program for December 2007.

## REGULAR AGENDA

### 13. VTA Sustainability Program Guidelines

Eugene Bradley, Interested Citizen, commented that the Sustainability Program should contain a mandate for Board Members and Staff to use VTA Transit Services.

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

### 18. Hearings – Notices of Intention to Adopt Resolutions of Necessity

Theodore R. Weller, Jr., stated that he is an heir of Abraham Weller and requested that the Board postpone the hearing.

Board Member Campos left her seat at 7:14 p.m.

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

Michael Thornton, Attorney for Brian E. Horner, owner of one of the parcels, appeared on behalf of Mr. Horner and objected to the Resolution of Necessity. He stated that VTA offered compensation below Fair Market value for the property and that relocation expenses had not been taken into consideration. He requested the Board to postpone the hearing and stated that he would work with VTA to resolve the issues in dispute.

Board Member Campos took her seat at 7:18 p.m.

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

### 19. West San Carlos Joint Development Project

Hugh Graham, representing the Willow Glen Neighborhood Association, stated his support for the development of a quality project, but expressed concern with lack of public involvement.

Board Member Liccardo left his seat at 7:40 p.m.

Michael LaRocca, representing the Burbank/Del Monte Neighborhood Advisory Committee, expressed concern with the lack of community outreach.

Robert Solis, Interested Citizen, representing the Burbank/Del Monte Neighborhood Committee and the Buena Vista Neighborhood Association, expressed concern with Green Republic, LLC, meeting one on one with business owners and not meeting with the community as a whole.

Board Member Liccardo took his seat at 7:45 p.m.

Brian Ward, President of the Buena Vista Neighborhood Association, expressed concern with the lack of follow through with scheduling community meetings by the Green Republic, LLC.

Deborah Arant, representing the Shasta/Hanchett Park Neighborhood Association, expressed concern with the project as currently conceived and noted opposition.

Richard F. Zappelli, representing the Willow Glen Neighborhood Association, expressed concern about the project's impact on the community. He noted that he would like to see a Sunshine Process for VTA to give the public opportunity to participate.

Richard H. Nieset, representing the Shasta/Hanchett Park Neighborhood Association, expressed concern with the lack of community outreach, project magnitude, and the need to request an extension.

Board Member Gage left his seat at 7:52 p.m.  
Board Member Caserta left his seat at 7:52 p.m.

Ruth Cavagnaro-Gilwee, Board Member of the Shasta/Hanchett Park Neighborhood Association, requested that the agreement with Green Republic, LLC, not be extended, but alternative plans discussed and additional time provided for community meetings.

Board Member Caserta took his seat at 7:56 p.m.

**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.

**20. Debt Reduction Fund Policies**

**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.

Board Member Casas left his seat at 8:35 p.m.

**21. Proposition 1B- Trade Corridors Improvement Fund for State Route 152**

Board Member Kishimoto inquired about the percentage of freight that comes into the Bay Area through trucks verses rails, noting that trucks were a major source of greenhouse gas emissions. She commented that there is a statewide and local urgency to reduce overall emissions and expressed concern with increasing truck traffic and urban sprawl.

Board Member Kishimoto requested that she be on record noting that she may not support the project in the future if more than a four lane road is proposed.

Board Member Sellers read a letter submitted by Board Member Gage and provided comments in his absence. Board Member Gage noted that he strongly supports submitting the grant proposal. He expressed the need to make the highway safer, ease congestion, and facilitate trade to boost the area's economy. The letter from Board Member Gage recognized Board Member Kishimoto's concerns and noted that he is confident they can be addressed.

**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.

Board Member Reed left his seat at 8:45 p.m.

Jerry Grace, Interested Citizen, stated that he would like trains to go to the Santa Cruz area.

## **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**

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

Board Member Reed took his seat at 8:50 p.m.

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

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

**On order of Chairperson Kniss**, there being no objection, the January 17, 2008 Minutes were accepted as contained on the dais.

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

**On order of Chairperson Kniss**, there being no objection, the January 17, 2008 Minutes were accepted as contained in the Agenda packet.

**C. Transit Planning and Operations Committee**

**On order of Chairperson Kniss**, there being no objection, the January 17, 2008 Minutes were accepted as contained in the Agenda packet.

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

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

**On order of Chairperson Kniss**, there being no objection, the January 9, 2008 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 Kniss**, there being no objection, the January 9, 2008 Minutes were accepted as contained in the Agenda packet.

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

**On order of Chairperson Kniss**, there being no objection, the January 9, 2008 Minutes were accepted as contained in the Agenda packet.

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

**On order of Chairperson Kniss**, there being no objection, the January 10, 2008 Minutes were accepted as contained on the dais.

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

**On order of Chairperson Kniss**, there being no objection, the January 10, 2008 Minutes were accepted as contained on the dais.

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

Chairperson Kniss advised the Board of Directors that the Reports from the Peninsula Corridor JPB and the Metropolitan Transportation Commission (MTC) were placed in front of them on the dais.

**A. Peninsula Corridor JPB**

**B. Capitol Corridor JPB**

Board 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)**

**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**

**On order of Chairperson Kniss**, there being no objection, the January 16, 2008 Minutes were 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.

**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 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 noting that individuals who take public transportation may not be able to stay until the end of the meeting.

**29. ANNOUNCEMENTS**

There were no Announcements.

**30. ADJOURNMENT**

**On order of Chairperson Kniss**, there being no objection, the meeting was adjourned at 9:06 p.m.

Respectfully Submitted,

Menominee L. McCarter, Board Assistant  
VTA Board of Directors