

**CALLED TO ORDER at 5:44 p.m.**

**1. ROLL CALL**

**Board Members Present:** Kishimoto, Kniss, Liccardo, Pyle, Reed, Sellers, Williams

**Board Members Absent:** Campos, Casas, Caserta, Gage, Sandoval

**Alternate Board Members Present:** King, Livengood, McHugh, Moylan

**Alternate Board Members Absent:** Cortese

**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.**

**2. ADJOURNED TO CLOSED SESSION at 5:45 p.m.**

- A.** Conference with Labor Negotiators  
[Government Code Section 54957.6]

VTA Designated Representatives:  
Joseph Smith, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:  
Amalgamated Transit Union (ATU)

- B.** Conference with Labor Negotiators:  
[Government Code Section 54957.6]

Unrepresented Employee:  
General Counsel

VTA Negotiators:  
Don Gage, Board Member  
Liz Kniss, Board Member

Alternate Board Member Livengood arrived at the meeting at 5:51 p.m.

**RECONVENED TO OPEN SESSION at 6:09 p.m.**

**3. CLOSED SESSION REPORT**

- A.** Conference with Labor Negotiators  
[Government Code Section 54957.6]

VTA Designated Representatives:

Joseph Smith, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

Amalgamated Transit Union (ATU)

**There was no reportable action taken during Closed Session.**

- B.** Conference with Labor Negotiators:  
[Government Code Section 54957.6]

Unrepresented Employee:

General Counsel

VTA Negotiators:

Don Gage, Board Member  
Liz Kniss, Board Member

**There was no reportable action taken during Closed Session.**

**4. (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.

- 5. M/S/C (McHugh/Reed) to approve the recommendation of the Board Negotiating Committee to increase the General Counsel's salary from \$180,079 to \$198,000, effective July 1, 2007.**

**6. ORDERS OF THE DAY**

Chairperson Kniss **noted** staff's request to defer the following items to the April 3, 2008 Board of Directors Regular Meeting: **Agenda Item #7.C.** Adopt Resolution of Commendation for Outgoing Alternate Board Member Kansen Chu; and **Agenda Item #18.**, Hearings - Notices of Intention to Adopt Resolutions of Necessity - Close Hearings and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interests from three parcels for the Freight Railroad Relocation Project, as follows:

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 Devisees of Abraham Weller

Chairperson Kniss also **noted** that the Board of Directors will consider the following agenda items as a single item because they are related to the development of the Valley Transportation Plan (VTP) 2035 Update: **Agenda Item #25.**, Approve the VTP 2035 Project lists for submittal to the Metropolitan Transportation Commission (MTC); **Agenda Item #26.**, Review Fund Estimates for Valley Transportation Plan and Regional Transportation Plan; and **Agenda Item #27.**, Review MTC Transportation 2035 (T2035) – Proposed Vision Policy Strategies.

M/S/C (Williams/Reed) to **accept** Orders of the Day.

**On general consensus**, there being no objection, the Board of Directors **appointed** Alternate Board Member King as Vice Chairperson Pro Tem.

**7. AWARDS AND COMMENDATIONS**

**A. Employees of the Month for March 2008**

**Recognized and presented awards** to Jing Quan, Associate Architect, River Oaks Administration; Susan Yates, Coach Operator, Chaboya Division; and Marius Tapiador, Transit Mechanic, North Division, as Employees of the Month for March 2008.

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

**B. Employees of the Year for 2007**

**Recognized and presented awards** to Kermit Cuff, Transit Service Development Specialist III, River Oaks Administration; Angela Snell, Coach Operator, Cerone Division; and Steve Maloon, Transit Mechanic – Hydrogen, Cerone Division, as Employees of the Year for 2007; and Steve Rogers, Maintenance Supervisor, Cerone Division, as 2007 Supervisor of the Year.

**C. (Deferred to the April 3, 2007 Board Meeting)**

Adopt Resolution of Commendation for Outgoing Alternate Board Member Kansen Chu.

**8. REPORT FROM THE GENERAL MANAGER**

Michael T. Burns, General Manager, **provided** a report noting the following: 1) Thanked the Board of Directors for attending the March 6, 2008 Financial Management Update Meeting; 2) Overall ridership increased 2.8 percent, representing a 1.9 and 6.7 percent ridership increase respectively for bus and light rail; 3) Provided update on the south line Light Rail Platform Retrofit project noting that Phase 1 commenced on February 4, 2008, Phase 2 commenced on February 25, 2008, and Phase 3 will begin on March 14, 2008; 4) Noted the marketing initiatives to promote new Bus Routes 181 and 168; 5) Zero Emission Buses (ZEB) discussions will continue at the Transit Planning and Operations (TP&O) meetings and the Board of Directors will determine the ZEB next steps; 6) Translink update; 7) Announced the resignation of Maria Marinis, Board Secretary, and noted Ms. Marinis' accomplishments.

Margaret Okuzumi, BayRail Alliance, **addressed** the Board of Directors.

**9. REPORT FROM THE CHAIRPERSON**

Chairperson Kniss **announced** that Board Member Gage agreed to serve as the Chair for the Audit Committee.

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

Chris Moylan, Policy Advisory Committee (PAC) Chairperson, **provided** a report regarding the PAC Meeting on February 14, 2008 highlighting the following: 1) The PAC reviewed the project list and fund estimates for VTP 2035; 2) The PAC received a quarterly report from VTA Board of Directors Chairperson Kniss; 3) The PAC debated on the format of minutes and noted that the Committee preferred detailed minutes versus action minutes; 4) VTA Governance Issues will be discussed at the March 2008 PAC meeting and the Committee will forward any recommendations to the Board.

Eugene Bradley, SCVTA Riders Union, **addressed** the Board of Directors.

## **CONSENT AGENDA**

11. **M/S/C (Pyle/McHugh)** to **receive and file** the Meeting Record of the Board of Directors Summit of February 1, 2008.
12. **M/S/C (Pyle/McHugh)** to **approve** the Revised Minutes of the Regular Board of Directors' Meeting of February 7, 2008.
13. **M/S/C (Pyle/McHugh)** to **receive** the Programmed Projects Quarterly Monitoring Report for October - December 2007.
14. **M/S/C (Pyle/McHugh)** to **authorize** the General Manager to: 1) **amend** the contract with Nolte Associates to prepare a Project Study Report (PSR) for the State Route 85/State Route 237/El Camino Real and Middlefield Road Interchange Areas; increasing the approved contract value by \$170,064 for a new total contract value of \$645,169; and 2) **extend** the term of the contract through March 2009.
15. **M/S/C (Pyle/McHugh)** to **authorize** the General Manager to execute a contract with URS Corporation for Construction Management Services on the Freight Rail Relocation Project in the amount of \$1,500,000. The term of the contract will be for one year and extend through February 2009, with options for three one-year extensions.
16. **M/S/C (Pyle/McHugh)** to **authorize** the General Manager to execute a Cooperative Agreement with the Santa Clara Valley Water District for the combined construction of the Lower Berryessa Creek Flood Protection and Freight Rail Relocation Project improvements in an amount of \$17,000,000.
17. **M/S/C (Pyle/McHugh)** to **receive** the 2000 Measure A Transit Improvement Program Semi-Annual Report – December 2007.

## **REGULAR AGENDA**

### **18. (Deferred to the April 3, 2007 Board Meeting)**

#### **Hearings - Notices of Intention to Adopt Resolutions of Necessity**

Adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interests from three parcels for the Freight Railroad Relocation Project, as follows:

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

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

#### **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 Devises of Abraham Weller

**19. M/SC (McHugh/Reed) to review and accept the Fiscal Year 2008 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2007.**

**20. M/S/C (Pyle/Reed) to review and accept the audited Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority and the Amalgamated Transit Union (ATU) Pension Plan Report for Fiscal Year 2007.**

Mr. Bradley **addressed** the Board of Directors.

**21. M/S/C (Williams/Kishimoto) to adopt a support position for AB 1221 (Ma), which allows local officials to divert property tax increment revenues to pay for new bonds for infrastructure within transit village development districts.**

**22. M/S/C (Pyle/Kishimoto) to adopt a support position for AB 387 (Duvall), which expands existing design-build authority for public transit agencies by allowing them to use this method of procurement for technology or surveillance projects designed to enhance transit safety, disaster preparedness or homeland security efforts.**

Alternate Board Member King left her seat at 7:07 p.m.

**SUMMARY MINUTES**

VTA Board of Directors  
Thursday, March 6, 2008  
70 West Hedding Street  
San Jose, CA

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23. **M/S/C (Williams/Kishimoto)** to **authorize** the General Manager to execute the CALNET II Agreement with AT&T to take advantage of the favorable pricing that the State of California has negotiated for voice and data services (a variety of telephone, internet, and intranet services). Over the length of the five year agreement, along with options for two one-year extensions, it is estimated that the VTA would expend \$3 million for these services. The cost and services covered in this contract were approved in the Fiscal Year 2008 and 2009 adopted budgets.

Alternate Board Member King took her seat at 7:10 p.m.

24. **M/S/C (Pyle/Kishimoto)** to **authorize** the General Manager to increase the contract authority for technology general consulting services by the amount of \$3.2 million for a new total contract authority of \$9.6 million. This additional contract authority is within the Biennial FY08 and FY09 approved budgets for the purpose of implementing approved projects, such as the SAP Software Upgrade, VTA Property Acquisition Tracking System, VTA Customer Mailing Information, Trapeze Comprehensive Analysis, Server Replacement, Core Switch Upgrade, and the EDMS Study. Additionally, the Congestion Management Agency (CMA) is using this contract authority for its Intelligent Transportation Systems (ITS) related projects such as Signal Priority and Ramp Metering.

Board Member Williams **requested** an annual report which details the advantages/benefits VTA gained (Return on Investment) from utilizing the Technology Consultants.

**\*\* NOTE: Agenda Items #25 through 27 were taken as a single item.**

25. **M/S/C (Reed/Williams)** to **approve** draft financially constrained lists for transit, highways, expressways, expressways and Local Streets and County Roads (LSCR) for submittal to Metropolitan Transportation Commission (MTC); **approve** proposed programmatic allocations for submittal to MTC; and **approve** errata sheet edits.
26. **On order of Chairperson Kniss**, there being no objection, the Board of Directors reviewed the Fund Estimates for Valley Transportation Plan and Regional Transportation Plan.
27. **On order of Chairperson Kniss**, there being no objection, the Board of Directors reviewed the MTC Transportation 2035 (T2035) – Proposed Vision Policy Strategies.

Board Member Kishimoto **suggested** conducting more public outreach process for the VTP 2035.

The following individuals **addressed** the Board of Directors:

Ed Rast, Interested Citizen  
Michael Ludwig, Interested Citizen  
Eugene Bradley, SCSCVTA Riders Union  
Margaret Okuzumi, Bay Rail Alliance

## **OTHER ITEMS**

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

Board Member Reed **directed** staff to look into the public request regarding open government issues.

Board Member Kishimoto **requested** that Public Presentations be moved back at the beginning of the Board Agenda. She referred to Sunshine Laws issue and **inquired** about VTA's plan to have live cable casts of its meetings.

### **29. Monthly Legislative History Matrix**

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

### **30. SUMMARY MINUTES FROM STANDING COMMITTEES**

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

**Accepted** the February 21, 2008 Minutes as contained in the Agenda packet.

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

**Accepted** the February 21, 2008 Minutes as contained in the Agenda packet.

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

**Accepted** the February 21, 2008 Minutes as contained in the Agenda packet.

### **31. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES**

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

**Accepted** the February 13, 2008 Minutes as contained in the Agenda packet.

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

**Accepted** the February 13, 2008 Minutes as contained in the Agenda packet.

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

**Accepted** the February 13, 2008 Minutes as contained in the Agenda packet.

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

**Accepted** the February 14, 2008 Minutes as contained in the Agenda packet.

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

**Accepted** the February 14, 2008 Minutes as contained in the Agenda packet.

Eugene Bradley, SCVTA Riders Union, **addressed** the Board of Directors.

32. **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**

There was no report on the Dumbarton Rail Corridor Policy Committee

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

33. **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.

**34. PUBLIC PRESENTATIONS**

Eugene Bradley, VTA Riders Union, followed up on the issues he raised at the January 2008 Meeting and requested written response regarding the following: 1) Customer Service Department's policy to follow up and return calls of complainants; 2) Customer Service policy regarding having supervisors give rides to customers who missed the last bus due to VTA bus malfunctions; and 3) VTA's policy on scooter sizes and how VTA addresses incompatible scooters on bus and trains. He also inquired about VTA's policy regarding full buses and how this issue is resolved. He noted that this problem occurs at Bus Route 88 in Palo Alto.

Richard Zappelli, Willow Glen Neighborhood Association, **noted** the need for a comprehensive transportation plan for the City of San Jose and the County of Santa Clara to alleviate congestion and improve the quality of life. He **noted** that instead of building BART to the East Bay, the rapid transit should be built to connect San Jose to the Northern part of Santa Clara County. He **expressed concern** about the cost to construct BART and noted the need for Sunshine Laws to ensure public involvement to VTA issues.

Ed Rast, Interested Citizen, **emphasized** the need for a comprehensive countywide public transportation for Santa Clara County. He **noted** that VTA should improve its public outreach policy to communicate the benefits of a countywide transit system. He **added** that early public meeting notices will result in better public participation and support.

Zakhary Mallett, Interested Citizen, **referred** to Agenda Item #32.A, Report from Peninsula Corridor JPB. He noted that the implementation of Bus Express Route 168 created competition with Caltrain. He **suggested** that the VTA Caltrain JPB representative initiate a JPB discussion about the possibility of redefining Caltrain market or eliminating Caltrain service to make people utilize Bus Route 168. He **suggested** that if the market is to be redefined, all trains to South County should be baby bullets so that it caters to North County, Peninsula, and San Francisco commuter markets.

Noel Tebo, VTA Citizens Advisory Committee (CAC) Chairperson, **noted** the positive improvement of the VTA-Committee relationship since Michael Burns became General Manager. He **noted** the CAC Membership's extensive public service experience and added that the CAC is willing to help the Board of Directors in any way that the Board feels appropriate. He also **noted** that CAC welcomes the opportunity to study appropriate issues in depth and provide the Board with additional public input.

**35. ANNOUNCEMENTS**

There were no Announcements.

**36. ADJOURNED at 8:30 p.m.**