



BOARD OF DIRECTORS MEETING

Thursday, May 7, 2009

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 Sandoval at 5:36 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status
Nora Campos	Board Member	Absent
Dean Chu	Ex-Officio Board Member	Present
Don Gage	Board Member	Present
Liz Kniss	Board Member	Present
Dolly Sandoval	Chairperson	Present
Sam Liccardo	Vice Chairperson	Present
Nancy Pyle	Board Member	Present
Chuck Reed	Board Member	Absent
David Casas	Board Member	Absent
Yoriko Kishimoto	Board Member	Present
Dominic Caserta	Board Member	Present
Chris Moylan	Alternate Board Member	Present
Bob Livengood	Alternate Board Member	Present
Greg Sellers	Board Member	Absent
Chuck Page	Alternate Board Member	Present
Rose Herrera	Board Member	Present
Ash Kalra	Board Member	Present
George Shirakawa	Alternate Board Member	Absent
Ken Yeager	Ex-Officio Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESSED TO CLOSED SESSION at 5:37 p.m.

Board Member Caserta arrived at the meeting and entered Closed Session at 5:40 p.m.

Board Member Kalra arrived at the meeting and entered Closed Session at 5:46 p.m.

Alternate Board Member Moylan arrived at the meeting and entered Closed Session at 5:49 p.m.

Ex-Officio Board Member Yeager arrived at the meeting and entered Closed Session at 5:58 p.m.

Board Member Kishimoto arrived at the meeting and entered Closed Session at 6:12 p.m.

- A.** Existing Litigation - Conference With Legal Counsel
[Government Code Section 54956.9 (a)]

Name of Case: Mary Strong McClure vs. Santa Clara Valley Transportation Authority
WCAB #s SFO 397991, SFO 397992

- B.** Existing Litigation - Conference With Legal Counsel
[Government Code Section 54956.9 (a)]

Name of Case: Santa Clara Valley Transportation Authority vs. Blackburn Farms III, L.P.
Santa Clara County Superior Court No. 1-06-CV-068888 (Eminent Domain)

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

VTA Designated Representatives:
Joseph Smith, Chief Financial Officer
Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Human Resources Manager

Employee Organizations:
American Federation of State, County and Municipal Employees (AFSCME)
Amalgamated Transit Union (ATU), Local 265
Service Employees International Union (SEIU), Local 521
Transportation Authority Engineers and Architects Association (TAEA), Local 21

- D.** Conference with Real Property Negotiators
[Government Code Section 54956.8]

Property: 10,616 square foot parcel owned by VTA at the intersection of North First and St. James Streets in downtown San Jose, CA

Negotiators for VTA: Bijal Patel, Deputy Director, Property Development & Management

Negotiators for Santa Clara County Courthouse: Gary Graves, Acting County Executive, County of Santa Clara

Under negotiation: Price and terms of payment for sale of Property

RECONVENED TO OPEN SESSION at 6:15 p.m.

Alternate Board Member Livengood left the meeting at 6:15 p.m.

3. CLOSED SESSION REPORT

- A.** Existing Litigation - Conference With Legal Counsel
[Government Code Section 54956.9 (a)]

Name of Case: Mary Strong McClure vs. Santa Clara Valley Transportation Authority
WCAB #s SFO 397991, SFO 397992

There was no reportable action taken during Closed Session.

- B.** Existing Litigation - Conference With Legal Counsel
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There was no reportable action taken during Closed Session.

- C.** Conference with Labor Negotiators
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There was no reportable action taken during Closed Session.

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There was no reportable action taken during Closed Session.

4. ORDERS OF THE DAY

There were no Orders of the Day.

5. AWARDS AND COMMENDATIONS

A. Employees of the Month for May 2009

Chairperson Sandoval recognized and presented an award to Christine Nelson, Office Specialist II, Chaboya Administration; Terry Russell, Coach Operator, Cerone Division; and Felipe Vera, Transit Mechanic, Cerone Division, as Employees of the Month for May 2009.

Chairperson Sandoval also recognized and presented an award to Kevin Connolly, Transportation Planning Manager, Congestion Management Agency, as Supervisor of the Quarter for the second quarter of 2009. Mr. Connolly was unable to attend the April 2, 2009 Board of Directors Meeting.

6. PUBLIC PRESENTATIONS

Rob Means, representing Sunnyhills Neighborhood Association, presented information on the Sunnyhills Neighborhood Association's proposal for a Personal Rapid Transit (PRT) system in the City of Milpitas at Yosemite/Curtis. He noted the City of San Jose has requested additional funding in its budget for a PRT Project to the San Jose Mineta Airport.

Ross Signorino, Interested Citizen, congratulated Chairperson Sandoval on the Mary Avenue Bridge Opening in the City of Cupertino. He referenced his attendance at the City of San Jose Council meeting and noted the discussion held regarding BART. He commented BART service should extend to the Airport instead of Downtown San Jose.

Alice Frayne, Interested Citizen, queried about the status of her request made in February 2009, for VTA to consider having announcements on its vehicles stating to please use cell phones briefly and quietly. Michael T. Burns, General Manager, noted VTA has reviewed various options on how to address Ms. Frayne's request. He reported he authorized car cards be created and placed inside VTA vehicles reflecting the message regarding the usage of cell phones. Mr. Burns also indicated Ms. Frayne would be receiving a response regarding the issue.

Bonnie Mace, President, District 8 Community Round Table (D8CRT), presented a letter to be entered into the record from the D8CRT recommending continued VTA funding for the Capitol Light Rail Extension to the Eastridge Transit Center Project. She referenced the Memorandum dated May 7, 2009, from City of San Jose Councilmember Rose

Herrera and noted the D8CRT supported the four recommendations listed in the Memorandum with regards to the Project.

Jim Zito, former President, D8CRT, noted the importance of the improvements to light rail and U.S. 101 Corridor from I-280 to Yerba Buena Road for the Evergreen and Eastside communities. He indicated Evergreen and District 8 has some of the largest pieces of undeveloped land scheduled for development and without the light rail and U.S. 101 Corridor improvements happening within the next few years, the developments would be in jeopardy.

7. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, reported the following:

- VTA systemwide ridership for the month of March 2009 increased when compared to March 2008. Systemwide average weekday ridership increased by 3.2 percent. Bus average weekday ridership increased by 2.1 percent and light rail average weekday ridership increased by 7.1 percent when compared to March 2008. With regard to VTA's partners, there was a range of increases primarily, but for the first time, decreases were seen on both the Caltrain and Altamont Commuter Express (ACE) train in terms of average weekday ridership.
- VTA has been selected to receive a Veterans Employer of the Year Award by the California Employer Advisory Council. VTA is being recognized for providing outstanding employment services to Veterans. The award will be presented to VTA at the 2009 Veterans Award Breakfast in Ventura on May 15, 2009.
- The Freight Rail Relocation Project Groundbreaking Ceremony will be held on Friday, May 8, 2009, at 10:30 a.m., 390 Railroad Court in the City of Milpitas.

Eugene Bradley, Santa Clara VTA Riders Union, congratulated VTA on the increase in ridership and on the Bus Line 522 being selected for a design award.

8. REPORT FROM THE CHAIRPERSON

Chairperson Sandoval referenced the photographs displaying the opening of two City of Sunnyvale Borregas Avenue Bicycle and Pedestrian Bridge Crossings (one bridge crossing over U.S. 101 and the second over State Route (SR) 237). The funding was provided through VTA's Bicycle Expenditure Plan (BEP). Sunnyvale Vice Mayor and VTA Alternate Board Member Chris Moylan presided at the ceremonies.

Chairperson Sandoval referenced the photographs displaying the opening of the City of Cupertino Mary Avenue Bicycle and Pedestrian Bridge Crossing over Interstate 280. The bridge connects the communities of Cupertino and Sunnyvale, making it a convenient route for Homestead High School and DeAnza College Students. This was made possible by funding from VTA's BEP. The bridge is the first steel cable bridge over a major highway.

Chairperson Sandoval on behalf of Ralph Qualls, Jr., City of Cupertino, presented Michael T. Burns, General Manager, with commemorative gifts from the Mary Avenue Bicycle and Pedestrian Bridge Crossing Opening.

Ross Signorino, Interested Citizen, queried about fare increases and the affect it would have on ridership. Mr. Burns indicated he was referring to reductions on Caltrain and ACE train, noting Caltrain has had several fare increases that occurred over the last 18 months. He commented this combined with the downturn of the economy was probably what caused their decrease in ridership.

9. Citizens Advisory Committee (CAC) Chairperson's Report

Noel Tebo, CAC Chairperson, provided a report, highlighting the following: 1) Expressed his congratulations to the Cities of Sunnyvale and Cupertino on the openings of their Bicycle and Pedestrian Bridge Crossings; 2) Referenced the State and Local revenue difficulties and commented realized the difficulties VTA is facing with the details of its Operating Budget; 3) Attended VTA Board of Directors Workshop Meeting on the Budget; 4) Referenced the Capital Budget and urged the Board of Directors to fully fund the Vasona and Downtown East Valley Light Rail Projects and the Airport People Mover Project as part of keeping the trust of the citizens. He expressed concern regarding the de-obligation of funding for the Projects.

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

Margaret Abe-Koga, PAC Chairperson, provided a report regarding the PAC Meeting on April 9, 2009, highlighting the following: 1) Recommended the Board of Directors approve the 2009 Bus Rapid Transit (BRT) Strategic Plan; 2) Reviewed the Draft Fiscal Year 2010 Congestion Management Program (CMP) Work Program. PAC provided comments on the item and VTA staff will return next month with an updated Work Program for the PAC to consider; and 3) Received an update on the PAC's Advisory Committee Enhancement Subcommittee.

Ms. Abe-Koga also expressed her congratulations to the Cities of Sunnyvale and Cupertino on the openings of their Bicycle and Pedestrian Bridge Crossings. She announced the dedication ceremonies to be held in the City of Mountain View for both the Stevens Creek Trail and Moffett Bicycle and Pedestrian Overcrossing on June 13, 2009.

Eugene Bradley, Santa Clara VTA Riders Union, expressed concern about the Board of Directors Meetings not being on VTA's website. He also expressed concern about the Board of Directors Workshop Meetings typically being held at 9:00 a.m. and recommended the Workshop Meetings be held at 6:00 p.m., so the public can attend.

CONSENT AGENDA

11. Regular Meeting Minutes of April 2, 2009

M/S/C (Pyle/Caserta) to approve the Board of Directors Regular Meeting Minutes of April 2, 2009.

12. CMP Local Transportation Model Consistency Guidelines Update

Ex-Officio Board Member Chu queried if transit hubs or train stations were being used as trip generators as part of the modeling. John Ristow, Chief CMA Officer, noted a response would be provided.

M/S/C (Pyle/Caserta) to adopt the updated Congestion Management Program - Local Transportation Model Consistency Guidelines.

13. SR 237/I-880 Express Connectors – Amendment to Design Contract

M/S/C (Pyle/Caserta) to authorize the General Manager to amend the contract with Parsons Brinkerhoff for design services for the SR 237/I-880 Express Connectors project through final design and implementation. The amendment will increase the approved contract by \$1,715,315 for a revised contract value not to exceed \$2,000,000.

14. BPAC Appointments

M/S/C (Pyle/Caserta) to ratify the appointments to the Bicycle Pedestrian Advisory Committee (BPAC) of Richard Ruh as the City of Monte Sereno representative and Paul Goldstein as the alternate representative of the Silicon Valley Bicycle Coalition.

15. Authorization for Annual Operations Insurance Program Renewal

M/S/C (Pyle/Caserta) to authorize the General Manager to purchase insurance coverage for Fiscal Year 2009/2010 for Excess Liability, General and Auto Liability, Public Officials Errors and Omissions Liability, Property/ Boiler and Machinery, Inland Marine for Buses, Vans and Mobile Equipment, Inland Marine for Light Rail Vehicles, and Flood Exposures for the Annual Operations Program Insurance Renewal for an amount not to exceed \$2,118,693.

16. Bill Position: AB 798 (Nava)

M/S/C (Pyle/Caserta) to recommend the VTA Board of Directors adopt a support position for AB 798 (Nava), which creates the California Transportation Financing Authority to assist local and regional agencies in obtaining financing through the issuance of revenue bonds for the construction of improvements to the state's transportation infrastructure. This bill also allows the authority to permit local and regional agencies, as part of the financing plan for their projects, to impose tolls for the use of the facilities constructed.

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

17. Bill Position: AB 338 (Ma)

M/S/C (Pyle/Caserta) to recommend the VTA Board of Directors adopt a support position for AB 338 (Ma), which allows local officials to divert property tax increment revenues to pay for new bonds for infrastructure within transit village development districts.

18. Laser Intrusion Detection System at Light Rail Stations Contract Award

M/S/C (Pyle/Caserta) to authorize the General Manager to execute a contract with Siemens Building Technology, Inc., the lowest responsible bidder, in the amount of \$307,096 for the Laser Intrusion Detection System at Light Rail Stations, pending approval by FTA for a waiver to the Buy America requirements. This contract is 100% funded by a combination of Federal Transit Security, Federal Department of Homeland Security and State Prop 1B California Transit Security Grant Program funds.

19. Closed Circuit Television at Light Rail Stations Contract Award

M/S/C (Pyle/Caserta) to authorize the General Manager to execute a contract with Cupertino Electric, the lowest responsible bidder, in the amount of \$524,920 for the Closed Circuit Television Phase 1, 2 and 3 Project. This contract is 100% funded by a combination of Federal Transit Security, Federal Department of Homeland Security and State Prop 1B California Transit Security Grant Program funds.

20. Competitive Negotiation Resolution for Procurement of 40-Foot Hybrid Buses

M/S/C (Pyle/Caserta) to adopt **Resolution No. 2009.05.12** upon a two-thirds vote by the Board of Directors finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA's needs and directing the use of competitive negotiation for the purchase of up to 107 low-floor diesel electric hybrid 40-foot buses, as required by Public Contract Code Sections 20216 and 20217.

REGULAR AGENDA**21. HOT Network Legislative Framework**

John Ristow, Chief CMA Officer, provided a PowerPoint Presentation entitled, "Bay Area Express Lanes Tolling Authority, Legislative Framework for Assembly Bill (AB) 744," highlighting the following: 1) Background; 2) Existing Bay Area High Occupancy Vehicle (HOV) Network; 3) Silicon Valley Express Lanes Network; 4) Legislative Framework- Development Process; 5) Legislative Framework-Express Lanes Network Principles; 6) Legislative Framework-Management Structure; 7) Corridor Working Group (CWG) Roles-Corridor Investment Plan (CIP); 8) Bay Area Express Lanes Network Project Oversight Committee (BAYPOC) Roles; 9) Bay Area Toll Authority's (BATA's) Role; and 10) Benefits from AB 744 for VTA.

Upon query of Vice Chairperson Liccardo, Joseph T. Smith, Chief Financial Officer, noted BATA's bond rating is "AA", which is a good rating.

Board Member Pyle noted she was impressed with the benefits from AB 744 for VTA.

Ex-Officio Board Member Chu thanked Ex-Officio Board Member Yeager for all of the work he has done in negotiating the terms for BATA that are favorable to the County of Santa Clara. Mr. Ristow, on behalf of VTA, also thanked Ex-Officio Board Member Yeager.

Ex-Officio Board Member Yeager indicated all the work involved to make this happen, noting a lot of credit goes to VTA staff. He commented he feels very secure about what is being proposed, how it is going to be managed, and that he is even more optimistic about the kind of system that is going to be put in place in the Bay Area. Ex-Officio Board Member Yeager noted a structure has been set-up guaranteeing most of the monies generated from the High Occupancy Toll (HOT) Lanes would be returned to the corridor.

Board Member Herrera thanked Ex-Officio Board Member Yeager on his leadership role and also thanked VTA staff. She commented this is very innovative and will be a great financing structure regionally.

Board Member Kishimoto also thanked Ex-Officio Board Member Yeager and VTA staff. She referenced clean air goals and queried if there is going to be a transit or carpool plan. Mr. Ristow noted an Express Bus Study is currently underway, which would in concept overlay the express lanes for an Express Bus system. Upon query of Board Member Kishimoto, Mr. Ristow noted the issue of more park and ride lots would be addressed as part of the Study.

Board Member Kniss queried about the low emission vehicles with the stickers currently allowed to ride in the HOV Lanes. Mr. Ristow noted the current State statute has the right expiring in 2011. If re-upped by the Legislature, those vehicles will continue to ride free.

Board Member Kalra left the meeting at 7: 25 p.m.

Eugene Bradley, Santa Clara VTA Riders Union, inquired about the distribution of revenue generated from the HOT Lanes. Mr. Ristow noted the first call on revenue generated from the corridor will go towards operations, maintenance and any bonds needed to be paid for the development of the corridor. Mr. Bradley also asked what happens with the corridor if it does not make a profit. Mr. Ristow noted every example of this throughout the country shows once put into place, there is a high demand.

M/S/C (Caserta/Herrera) to endorse the Regional High Occupancy Toll (HOT) Network legislative framework for AB 744 (Torricco) proposed by MTC as described in the memorandum.

22. Adopt 2009 Bus Rapid Transit (BRT) Strategic Plan

Kevin Connolly, Transportation Planning Manager, provided a PowerPoint Presentation entitled, "Bus Rapid Transit (BRT) Strategic Plan," highlighting the following: 1) BRT Strategic Plan Goals and Objectives; 2) External Partner Meetings; 3) VTA Service Design Guidelines; 4) VTA BRT Branding; 5) Corridor Evaluation – Six Potential Corridors Studied (El Camino Real; King Road; Santa Clara-Alum Rock; Sunnyvale-Cupertino; Stevens Creek; and Monterey Highway; 6) Transit Sustainability Policy; 7) Most Promising Options (Objective: 30 percent travel time savings over local service); 8) Daily Ridership; 9) Total Operating Cost Estimate; 10) O&M Cost/Passenger (Operating cost per passenger measures system efficiency); 11) Capital Improvement Analysis: Major Findings; 12) Design Principles; 13) Photosimulations - Today and Future of: a) Alum Rock at King Road and b) Alum Rock at 28th Street; 14) Recommended placement of dedicated lanes on Corridors of Stevens Creek and El Camino Real; 15) Santa Clara-Alum Rock Project Concept; and 16) VTA Committee Comments.

Mr. Connolly noted the next steps to be taken, highlighting the following: 1) Work cooperatively with partners; 2) Santa Clara-Alum Rock Preliminary Engineering; 3) El Camino BRT Conceptual Engineering; and 4) Stevens Creek BRT Conceptual Engineering.

Board Member Caserta left the meeting at 7:40 p.m.

Vice Chairperson Liccardo referenced the length of some of the corridors, specifically, the El Camino segment, and queried if phasing was discussed. Mr. Connolly noted the concept plan suggests each corridor be completed at once.

Board Member Kniss queried if any other part of the country had a similar BRT. Mr. Connolly stated, "yes." He indicated the first initial step was to conduct a peer review of recent projects and noted the places where BRT has been implemented.

Board Member Herrera expressed concern the Capitol Light Rail Extension pedestrian and landscaping improvements were not included in the BRT and wanted to make sure they did not get lost in the shuffle.

Board Member Pyle referenced the BRT and breaking away from the dependence on petroleum and queried about the return on investment versus the price of the vehicle.

Upon query of Board Member Kishimoto, Mr. Connolly noted the discussions held regarding continuing the connection into San Mateo County.

Michael Ludwig, Interested Citizen, asked if VTA has looked at the safety of the transitions between the exclusive lane and where the BRT would operate in mixed flow. He also asked why the Story Road/Keyes Road area, where Bus Line 25 operates, has not been looked at as a possible future Bus Rapid Transit Corridor. Mr. Ludwig recommended VTA provide free WIFI service on its vehicles.

Eugene Bradley, Santa Clara VTA Riders Union, echoed Mr. Ludwig's comments regarding Bus Line 25 being considered as a future Bus Rapid Transit Corridor.

Ross Signorino, Interested Citizen, inquired if a study has been conducted comparing the cost of maintenance and operations of light rail versus BRT. Mr. Ristow noted a response would be provided to Mr. Signorino. Chairperson Sandoval requested the Board of Directors be sent a copy of the response.

M/S/C (Kishimoto/Moylan) to adopt the 2009 VTA Bus Rapid Transit (BRT) Strategic Plan.

23. Kato Road Flood Control Improvements Contract – Pre-Qualification Waiver

Board Member Gage left the meeting at 7:50 p.m.

Mark S. Robinson, Chief Engineering & Construction Officer, provided background information on the Kato Road Grade Separation Project. Construction of a box culvert is included in the Kato Road Grade Separation Project. However, construction of single family homes will begin during the summer/fall in 2009, and the homes would be occupied during the box culvert construction scheduled to begin next year. The owner of the property has requested the following: 1) the box culvert construction portion be removed from the Kato Road Grade Separation Project contract, and 2) the construction be advertised as an advance construction contract in the Spring, allowing construction to be completed prior to most of the housing construction activities.

Mr. Robinson indicated in order for construction to be completed before the rainy season, construction has to begin and be completed no later than October 31st . He reported on the pre-qualification process and noted VTA staff is requesting that a pre-qualification waiver be granted in order to complete the construction by October 31st.

Vice Chairperson Liccardo requested prominent signage be placed on the property describing the upcoming activities.

M/S/C (Kniss/Liccardo) to approve a waiver of VTA's pre-qualification requirement for the advertisement of the Kato Road Flood Control Improvements contract.

OTHER ITEMS

24. Fiscal Years 2010 and 2011 Recommended Biennial Budget

Michael T. Burns, General Manager, provided a PowerPoint Presentation entitled, "Draft Recommended Biennial Budget, Fiscal Years 2010 and 2011," highlighting the following: 1) FY 2010 and FY 2011 Budget Objectives; 2) Proposed Fare Increase; and 3) Staff Budget Proposals: a. VTA Transit-Additional Revenues, b. VTA Transit-Progress Towards Labor Savings, c. VTA Transit-ATU Pension Contribution, d. Congestion Management Program (CMP).

Joseph T. Smith, Chief Financial Officer, provided a report on the community meetings held and noted comments were received on the proposed fare increase and paratransit service modifications. He noted the upcoming scheduled community meetings.

Jim Unites, Deputy Director, Operations Service Planning & Accessible Services, provided a report on the proposed paratransit service modifications and noted the comments received. He indicated letters were sent out to 15,000 paratransit clients regarding the paratransit service modifications.

Mr. Burns referenced the PowerPoint Presentation, Slide 8, "Discussion," and noted VTA staff is awaiting direction to prepare the materials/details to present to the VTA Advisory and Standing Committees in preparation for the anticipated adoption of the Budget at the June 4, 2009 Board of Directors Meeting. The discussion tonight has been on the Operating Budget, not the Capital Budget. He referenced the input received on the Capital Budget from City of San Jose Councilmember Rose Herrera, noting the issues are being discussed. VTA staff is looking for Board of Directors affirmation on the budget assumptions and is looking forward to prepare the final materials.

Chairperson Sandoval referenced the points of discussion and indicated she would like the Board Members to consider one more point of discussion this evening. She noted everyone recognizes the enormity of VTA's fiscal situation and asked the Board Members to consider waiving their Board stipend for the next fiscal year. Board Member Kniss noted she is in support of waiving the Board stipend for the next fiscal year.

Phil Asgedom, Service Employees International Union (SEIU), Local 521, provided information to the Board of Directors expressing the Union's concern regarding VTA Management's "Labor Saving Strategy." Upon query of Mr. Asgedom, Mr. Burns noted the proposed two-year wage freeze and 12 furlough days per year applies to all non-represented employees, including himself.

Bob Dolci, representing Lyndale Neighborhood Association, expressed the strong support for City of San Jose Councilmember Rose Herrera's memorandum regarding the Capitol Light Rail Extension. He commented de-obligating funds from this light rail project would be an insult to the many people who supported 2000 Measure A.

Tammy Dhanota, Chief Steward, SEIU, Local 521, expressed concern regarding VTA Management's labor saving strategy. She expressed concern regarding the raises recently given to VTA consultants. She commented 12 furlough days a year for an employee who makes \$120,000 a year is not equal to an employee making \$40,000 a year. She presented the Board of Directors with an SEIU flyer, which introduced the SEIU Negotiating Team and noted negotiations would begin the week of May 11, 2009.

Eugene Bradley, Santa Clara VTA Riders Union, expressed concern regarding the de-obligating of funds for the Capitol Light Rail Extension Project and regarding the proposed fare increases. He referenced the Metropolitan Transportation Commission (MTC) and commented if the decision is made not to use the monies to fund the BART connector to Oakland Airport, then the monies should go back to transit operators.

Ron Roberts, Assistant Chief Steward, SEIU, Local 521, referenced the VTA Employee Forums conducted by Mr. Burns, and noted employees were informed the VTA family would have to share the pain due to the Budget deficit. He commented most of the Union members feel like orphans and noted from 2003 until present, SEIU has lost 28 percent of its workforce, but VTA non-represented Management has increased their workforce by 55 percent. He asked what kind of cure will VTA have for the orphans feeling the pain after the recession.

Matthew Wahlin, Interested Citizen, expressed the strong support for City of San Jose Councilmember Rose Herrera's memorandum regarding the Capitol Light Rail Extension. He reminded the Board of Directors that the community does not want the de-allocation of the Measure A funds for the Capitol Light Rail Extension. He noted the owner of the Eastridge Mall has filed for bankruptcy and to end a multi-modal transportation link a mile away from the mall is unacceptable.

Torrance Phillips, Interested Citizen, queried about VTA's responsibilities with regards to the Americans With Disabilities Act (ADA) and Paratransit. Chairperson Sandoval noted VTA staff would provide a response to Mr. Phillips.

Michael Ludwig, Interested Citizen, commented the BART Extension to San Jose needs to be completed in phases. He also echoed the comments made by public speaker, Mr. Wahlin, expressing concern about the Capitol Light Rail Extension to Eastridge.

Ex-Officio Board Member Chu referenced the comments made about MTC reallocating funds in case the Oakland Airport Connector Project is not funded. He noted the Project is allocated by federal stimulus money and can only be reallocated to Capital Projects.

Board Member Herrera thanked all the speakers who were in support of the Capitol Light Rail Extension Project. She referenced her memorandum dated May 7, 2009, listing the following under Recommendation: 1) Request that VTA staff provide a plan to implement the Capitol Light Rail extension in phases, beginning with pedestrian safety, landscaping and sidewalk improvements along Capitol Expressway before the June Board meeting; 2) Provide the Board of Directors with cost estimates associated with each phase before the June Board meeting; 3) Return to the June Board Meeting with a proposal to include the first phase of this project in the final list of Measure A funded projects for FY 2010-2011; and 4) Request that VTA staff provide information regarding current efforts to seek federal funds, including opportunities for Small Start funding, for the remaining phases of the project.

Chairperson Sandoval noted the item is for information only and would be presented as an Action item at the June 4, 2009 Board of Directors Meeting.

On order of Chairperson Sandoval and there being no objection, the Fiscal Years 2010 and 2011 Recommended Biennial Budget was discussed.

25. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

26. MONTHLY LEGISLATIVE HISTORY MATRIX

On order of Chairperson Sandoval and there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda packet.

27. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Sandoval and there being no objection, the April 16, 2009 Administration and Finance (A&F) Committee Minutes were accepted as contained in the Agenda packet.

B. Congestion Management Program and Planning Committee

On order of Chairperson Sandoval and there being no objection, the April 16, 2009 Congestion Management Program and Planning (CMPP) Committee Minutes were accepted as contained in the Agenda packet.

C. Transit Planning and Operations Committee

On order of Chairperson Sandoval and there being no objection, the April 16, 2009 Transit Planning and Operations (TP&O) Committee Minutes were accepted as contained in the Agenda packet.

D. Audit Committee

There was no Report from the Audit Committee.

28. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

On order of Chairperson Sandoval and there being no objection, the April 8, 2009 Committee for Transit Accessibility (CTA) 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 Sandoval and there being no objection, the April 8, 2009 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Minutes were accepted as contained in the Agenda Packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

On order of Chairperson Sandoval and there being no objection, the April 8, 2009 Bicycle & Pedestrian Advisory Committee (BPAC) Minutes were accepted as contained in the Agenda packet.

D. Technical Advisory Committee (TAC)

On order of Chairperson Sandoval and there being no objection, the April 9, 2009 Technical Advisory Committee (TAC) Minutes were accepted as contained in the Agenda packet.

E. Policy Advisory Committee (PAC)

On order of Chairperson Sandoval and there being no objection, the April 9, 2009 Policy Advisory Committee (PAC) Minutes were accepted as contained in the Agenda packet.

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

A. Peninsula Corridor JPB

On order of Chairperson Sandoval and there being no objection, the May 7, 2009 Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

B. Capitol Corridor JPB

There was no report from 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)

On order of Chairperson Sandoval and there being no objection, the April 22, 2009 Summary Notes from the Metropolitan Transportation Commission (MTC) were accepted as contained on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

There was no report from the Sunol Smart Carpool Lane Joint Powers Authority.

30. 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 and BART Warm Springs Extension PAB

There was no report from the Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension 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.

31. ANNOUNCEMENTS

Chairperson Sandoval extended an invitation to everyone to view the Mary Avenue Bicycle and Pedestrian Bridge at night, noting it is spectacular.

Chairperson Sandoval thanked VTA staff for a great Cinco de Mayo Celebration Luncheon.

32. ADJOURNMENT

On order of Chairperson Sandoval and there being no objection, the meeting was adjourned at 8:31 p.m.

Respectfully Submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Board of Directors