1. Called to Order at 5:32 p.m.

2. Roll Call

Board Member Sandoval took her seat at 5:33 p.m.

Board Members Present: Beall (Ex-Officio), Campos, Chavez, Chu, Cortese, Gage, Kennedy, Kerr, Kniss, McLemore (Ex-Officio), Nguyen, Perry, Sandoval, Williams

Board Members Absent: None

Alternate Board Members Present: Kline, Matthews, McHugh

Alternate Board Members Absent: Pinheiro, Yeager

* Alternates do not serve unless participating as a Member.

A quorum was present.

Board Member Cortese took his seat at 5:34 p.m.
Board Member Kerr took his seat at 5:35 p.m.

Chairperson Chavez changed the order of the Board Meeting Agenda and moved Agenda Item #6., Orders of the Day, to the beginning of the Agenda.

The Agenda was taken out of order.

6. Orders of the Day

The Board of Directors added the following two items to the Agenda:

- Item 15.X. Review the Paratransit Operations - Vehicles, Fueling, Facility, and Vendor Contract.
The following items were **moved** to the end of the Agenda:

- Item #3. Adjourn to Closed Session
- Item #4. Closed Session Report
- Item #5. Authorize the General Manager to amend and extend the terms and conditions of a labor agreement negotiated between Santa Clara Valley Transportation Authority and Transportation Authority Engineers and Architects Association (TAEA), be placed towards the end of the Agenda.

The Board of Directors **accepted** the Orders of the Day.

7. **AWARDS AND COMMENDATIONS**

Ex-Officio Board Member Beall took his seat at 5:36 p.m.

A. **Employees of the Month for July 2006**

**Presented** awards to Carolyn Ferguson, Information Systems Analyst II, River Oaks Administration; Robert Kiesser, Coach Operator, Cerone Division Operations; Malcolm Washington, Facility Worker, Light Rail Maintenance, as VTA Employees of the Month for July 2006.

Board Member Kniss took her seat at 5:40 p.m.

B. **Employees of the Month for August 2006**

**Presented** awards to Phillip Vaughn, Bus Technical Trainer, Chaboya Division Administration; and Fonotaga Soli, Coach Operator, Cerone Division Operations, as VTA Employees of the Month for August 2006. Lehmber Sidhu, Electro Mechanic, Light Rail Maintenance, was unable to attend.

C. **Award of Financial Reporting Achievement – Government Finance Officers Association**

**Recognized** Grace Salandanan, Fiscal Resources Manager, Accounting and Compliance Review, for receiving the Government Finance Officers Association Award of Financial Reporting Achievement.

8. **REPORT FROM THE GENERAL MANAGER**

General Manager, Michael T. Burns, **provided** a report, highlighting: 1) July 4th America Festival; 2) 2006 Grand Prix; 3) July 26, 2006 Paseo de San Antonio Station Re-Opening Celebration; 4) Fiscal Year 2006 Ridership; 5) August 2006 BART Public Scoping Meetings; 6) Federal Lobbying Contracts; and 7) 2006 Measure A Sales Tax Bond Credit Rating.
B. Received an update regarding funding for Preliminary Engineering on identified Caltrain Capital Needs.

A. Received an update from the Chair of the Policy Advisory Committee Caltrain Capital Needs Subcommittee.

9. PUBLIC PRESENTATIONS

Marc DeLong, VTA Employee and TAEA Member, directed attention to the handout distributed and provided background information on TAEA.

Joy Buenafior, VTA Employee and TAEA Member, expressed concern regarding the contract agreement negotiations between VTA and TAEA and realignment of wages.

Robert Dona, VTA Employee and TAEA Member, expressed concern that during the last several years the role of VTA engineers have steered away from design and geared more towards design oversight. He encouraged the Board of Directors to direct staff to form a Contracting-In Committee composed of VTA engineers and management, so that the committee could review all design Request for Proposals prior to sending them out for bid.

Joe Brenner, Professional Engineers, Local 21, expressed concern in ensuring that TAEA salaries are competitive and remain competitive. He indicated that Local 21 conducted a salary survey of 27 public agencies of classifications doing comparable work with similar skills and qualifications and comparable cost of living. The survey showed a demonstrated need for VTA salaries to be realigned to meet the area average.

Rajwinder Sedheve, VTA Employee and TAEA President, expressed concern that TAEA Members salaries have fallen behind when compared to inflation in the area and noted that TAEA emphatically believes that VTA recognizes that a discrepancy exists in TAEA salaries.

Martin Bishop, N.E.E.D. Project, asked that Alternate Board Member Pete McHugh read his statement expressing concern regarding VTA’s mandated securement policy to be implemented in January 2007.

Tim Ranz, Interested Citizen, expressed concern regarding an incident that occurred on May 8, 2006 involving Bus Line 32 departing at 7:00 p.m.

James Wightman, Interested Citizen, expressed his gratitude to VTA for a job well done on the 2006 Grand Prix and on the platform retrofitting of the Paseo de San Antonio Light Rail Station. He expressed concern regarding burglary incidents he witnessed at the I-880 and Hostetter Light Rail Stations in Milpitas. He also suggested that VTA decrease the weekday headways from 30 to 15 minutes on the Vasona Light Rail Line.

Bruce Stevens, VTA Employee, directed attention to the letter he received from VTA in response to his letter provided to the Board of Directors at their June 1, 2006 Meeting.
regarding security on VTA’s system. He expressed concern regarding the understaffing of VTA Fare Inspectors and noted that the failure to enforce VTA policy is an invitation to violate it and is costing VTA loss revenue.

Jerry Grace, Interested Citizen, welcomed back the Board Members and expressed concern regarding the cancellation of the Santa Clara County Board of Supervisors Meeting in June 2006.

Vice Chairperson Chu left the meeting at 6:40 p.m.

Linda Dittes, Business Agent for the American Federation of State, County, and Municipal Employees (AFSCME), Local 101, noted that she has been assigned to the VTA Bargaining Unit. Two years ago, AFSCME petitioned for a group of supervisory and mid-management employees and the recent Court of Appeals case ruled in their favor. She noted that she is looking forward to bargaining with VTA Administration and to also lend her support to the TAEA Bargaining Unit.

Eugene Bradley, Santa Clara Valley Transportation Authority Riders Union, expressed concern regarding the lack of communication on VTA light rail during emergencies. He indicated that he would like to work with VTA staff, particularly Jim Unites, to help improve communication on light rail during emergencies.

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

Steve Glickman, PAC Chairperson, provided a brief report, highlighting:

1) PAC received an update on the Zero Emission Bus Demonstration Program.
2) PAC received the Third Quarter Transit Operations Performance Report.
3) PAC received a City Presentation from Sunnyvale City Council Member Christopher Moylan. Member Moylan presented an overview of the commute patterns in Sunnyvale and provided detailed information on the transportation issues facing the city locally and regionally. The transportation priorities for Sunnyvale include:
   a. Improvements to Lawrence Expressway and Mary Avenue
   b. Sunnyvale-Cupertino Corridor
   c. Improvements to Caltrain including grade separations and pedestrian access.
4) PAC’s next scheduled meeting will be August 10, 2006, and the meeting will include a City Presentation from Monte Sereno. Vice Chairperson Kline will be chairing the meeting.
CONSENT AGENDA

At the request of several public speakers, the following Agenda Items were removed from the Consent Agenda and placed on the Regular Agenda:

- Item #17. Adopt the Authorizing Resolution permitting the transfer of eight 1992 Model Year standard diesel coaches from VTA’s bus fleet, and authorize the General Manager to execute a transfer agreement with the Santa Barbara Metropolitan Transit District for the transfer of the eight coaches, including the Federal Transit Administration grant guidelines, conditions, and statutory requirements attached to the coaches.

- Item #18. Authorize the General Manager to execute a Funding Agreement for Transportation Fund for Clean Air Regional funds with the Bay Area Air Quality Management District (BAAQMD) for the Altamont Commuter Express (ACE) Shuttle Program.

- Item #19. Authorized the General Manager to increase the FY 2007 Capital Budget by $742,050 to include the FY 2005 Transit Security Grant awarded to VTA for the purchase and installation of cameras on 20 light rail vehicles and CCTV video on demand at the Great Mall/Main and Hamilton light rail stations. In addition, adopt a Resolution authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance provided by the US Department of Homeland Security Office of State and Local Government Coordination and Preparedness Office of Domestic Preparedness (ODP). No local funds are required to match this grant.

- Item #20. Authorize the General Manager to execute a contract for as needed disposal of hazardous industrial waste and industrial waste emergency response services with 21st Century Environmental Management, Inc. for a term of three years, with two additional one-year options in an estimated amount of $375,000 annually for a total of $1,875,000 over a five-year period.

- Item #21. Authorize the General Manager to enter into a one-year Memorandum of Understanding with Monterey-Salinas Transit (MST) and the Capitol Corridor Joint Powers Authority (CCJPA) to provide $90,000 to fund and implement a new express bus route from Monterey to San Jose as a pilot program.

The Board of Directors approved the Consent Agenda, as amended.

11. **Approved** the Minutes of the Regular Board of Directors’ Meeting of June 1, 2006.

12. **Approved** the Minutes of the Joint Meeting of VTA Board of Directors and Santa Clara County Board of Supervisors of June 2, 2006.

13. **Approved** the Minutes of the Special Board of Directors’ Meeting of June 15, 2006.
14. **Accepted** the findings of the Southern Gateway Transportation and Land Use Study. (Deferred from the June 1, 2006 Board of Directors Meeting.)

**BOARD OF DIRECTORS COMMITTEE OF THE WHOLE (COW)**


15.X. **Reviewed** the Paratransit Operations – Vehicles, Fueling, Facility, and Vendor Contract.

16. **Ratified** the appointment of Norma Rome representing the City of Morgan Hill and reappointments of Bill Reisinger representing the City of Milpitas; John Carpenter representing the City of Mountain View; and David Simons representing the City of Sunnyvale to the Bicycle and Pedestrian Advisory Committee (BPAC) for the term ending June 30, 2008.

17. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**

Adopt the Authorizing Resolution permitting the transfer of eight 1992 Model Year standard diesel coaches from VTA’s bus fleet, and authorize the General Manager to execute a transfer agreement with the Santa Barbara Metropolitan Transit District for the transfer of the eight coaches, including the Federal Transit Administration grant guidelines, conditions, and statutory requirements attached to the coaches.

18. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**

Authorize the General Manager to execute a Funding Agreement for Transportation Fund for Clean Air Regional funds with the Bay Area Air Quality Management District (BAAQMD) for the Altamont Commuter Express (ACE) Shuttle Program.

19. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**

Authorize the General Manager to increase the FY 2007 Capital Budget by $742,050 to include the FY 2005 Transit Security Grant awarded to VTA for the purchase and installation of cameras on 20 light rail vehicles and Closed Circuit Television (CCTV) video on demand at the Great Mall/Main and Hamilton light rail stations. In addition, adopt a Resolution authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance provided by the US Department of Homeland Security Office of State and Local Government Coordination and Preparedness Office of Domestic Preparedness (ODP). No local funds are required to match this grant.

20. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**

Authorize the General Manager to execute a contract for as needed disposal of hazardous industrial waste and industrial waste emergency response services with 21st Century Environmental Management, Inc. for a term of three years, with two additional one-year
options in an estimated amount of $375,000 annually for a total of $1,875,000 over a five-year period.

21. (Removed from the Consent Agenda and placed on the Regular Agenda.)

Authorize the General Manager to enter into a one-year Memorandum of Understanding with Monterey-Salinas Transit (MST) and the Capitol Corridor Joint Powers Authority (CCJPA) to provide $90,000 to fund and implement a new express bus route from Monterey to San Jose as a pilot program.

**ADMINISTRATION AND FINANCE COMMITTEE**

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

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE**

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

**TRANSIT PLANNING AND OPERATIONS COMMITTEE**

There were no items submitted for the Consent Agenda by the Transit Planning and Operations Committee.

**REGULAR AGENDA**

The Board of Directors **took** the following actions:

17. **Adopted Authorizing Resolution No. 06.08.16** permitting the transfer of eight 1992 Model Year standard diesel coaches from VTA’s bus fleet, **and authorized** the General Manager to execute a transfer agreement with the Santa Barbara Metropolitan Transit District for the transfer of the eight coaches, including the Federal Transit Administration grant guidelines, conditions, and statutory requirements attached to the coaches.

18. **Authorized** the General Manager to execute a Funding Agreement for Transportation Fund for Clean Air Regional funds with the Bay Area Air Quality Management District (BAAQMD) for the Altamont Commuter Express (ACE) Shuttle Program.

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

19. **Authorized** the General Manager to increase the FY 2007 Capital Budget by $742,050 to include the FY 2005 Transit Security Grant awarded to VTA for the purchase and installation of cameras on 20 light rail vehicles and CCTV video on demand at the Great Mall/Main and Hamilton light rail stations. In addition, **adopted Resolution**
No. 06.08.17 authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance provided by the US Department of Homeland Security Office of State and Local Government Coordination and Preparedness Office of Domestic Preparedness (ODP). No local funds are required to match this grant.

Mr. Grace addressed the Board of Directors.

20. **Authorized** the General Manager to execute a contract for as needed disposal of hazardous industrial waste and industrial waste emergency response services with 21st Century Environmental Management, Inc. for a term of three years, with two additional one-year options in an estimated amount of $375,000 annually for a total of $1,875,000 over a five-year period.

Mr. Bradley addressed the Board of Directors.

21. **Authorized** the General Manager to enter into a one-year Memorandum of Understanding with Monterey-Salinas Transit (MST) and the Capitol Corridor Joint Powers Authority (CCJPA) to provide $90,000 to fund and implement a new express bus route from Monterey to San Jose as a pilot program.

The following individuals addressed the Board of Directors regarding the Memorandum of Understanding with MST and the CCJPA:

Mr. Bradley
Zakary Mallet, Interested Citizen
Andy Chow, San Jose State University Transportation Solutions

**BOARD OF DIRECTORS COMMITTEE OF THE WHOLE (COW)**

**CHAIRPERSON’S REPORT – (See Agenda Item #28.A.)**

22. **Authorized** on a vote of 9 ayes to 2 noes to 0 abstentions the General Manager to execute a contract amendment with Rajappan & Meyer Consulting Engineers, Inc. in an amount not to exceed a total of $15,400,000 for a new contract total amount of $27,049,059 and extend the contract term by two years to perform final design services for the Capitol Expressway Light Rail Project to the Eastridge Transit Center. Board Members Kniss and Perry opposed.

23. A. **Augmented** on a vote of 10 ayes to 1 noe to 0 abstentions the Downtown East Valley Santa Clara/Alum Rock Transit Improvement Project budget by $600,000;

B. **Authorized** on a vote of 10 ayes to 1 noe to 0 abstentions the General Manager to amend the contract with EIP Associates, Inc. for the preparation of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Downtown East Valley Santa Clara/Alum Rock Corridor Project, increasing the approved contract
value by $250,000 for a new contract value not to exceed $1,152,834 and extending the term of the contract through December 31, 2008;

C. **Authorized** on a vote of 10 ayes to 1 noe to 0 abstentions the General Manager to amend the contract with Korve Engineering, for the analysis of project alternatives and evaluation of a phased light rail concept in preparation of the EIS/EIR for the Downtown East Valley Santa Clara/Alum Rock Corridor Project, increasing the approved contract value by $350,000 for a new contract value not to exceed $1,517,654 and extending the term of the contract through December 31, 2008. Board Member Perry opposed.

24. **Designated** Republic Properties and Green Valley Corporation as the Selected Developer and Avalon Bay Corporation and ROEM Corporation as the Alternate Selected Developer for the West San Carlos site. Further, directed staff to: 1) As part of the development agreement, to consider opportunities for incorporating environmentally sustainable design and environmental stewardship in the project; 2) Prepare a framework of options for how VTA would utilize the funds that are obtained from the sale of its real estate and that the item return to the Board for adoption of a policy; and 3) Include a community outreach component in the next phase of the project that includes discussions with Councilmember Yeager, the surrounding neighborhoods throughout Councilmember Yeager’s district, and City staff.

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

| ADMINISTRATION AND FINANCE COMMITTEE |
| CHAIRPERSON’S REPORT – (See Agenda Item #28.B.) |

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

| CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE |
| CHAIRPERSON’S REPORT – (See Agenda Item #28.C.) |

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

| TRANSIT PLANNING AND OPERATIONS COMMITTEE |
| CHAIRPERSON’S REPORT – (See Agenda Item #28.D.) |

There were no items submitted for the Regular Agenda by the Transit Planning and Operations Committee.
OTHER ITEMS

25. **Authorized** on a vote of 10 ayes to 1 noes to 0 abstentions the General Manager to execute a contract with the Hay Group to perform an Organizational & Financial Assessment for an amount of $511,830, to be completed on or before March 2007. **In addition, authorized** the General Manager to include in the contract a provision to give VTA an option to request additional services as may be identified by the Board after receipt of the Assessment to further analyze or assist in the implementation of accepted recommendations. The option will be for services by the proposed team at rates no greater than those quoted in the proposal. Board Member Perry opposed.

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

25.X. **Received** a report on the Joint Development Program: Developer Selection Criteria.

26. **ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

There were no Items of Concern and Referral to Administration.

27. **MONTHLY LEGISLATIVE HISTORY MATRIX**

**Accepted** as contained in the Agenda Packet.

28. **SUMMARY MINUTES FROM STANDING COMMITTEES**

A. **Board of Directors Committee of the Whole**

**Accepted** as contained in the Agenda Packet.

B. **Administration and Finance Committee**

**Accepted** as contained in the Agenda Packet.

C. **Congestion Management Program and Planning Committee**

**Accepted** as contained in the Agenda Packet.

D. **Transit Planning and Operations Committee**

**Accepted** as contained in the Agenda Packet.

29. **REPORTS FROM AD HOC COMMITTEES**

A. **Ridership Initiative to Develop Energy-Efficiency (RIDE) Task Force**

**Accepted** as contained in the Agenda Packet.
B. **Project Advisory Committee (formerly referred to as the Project Priority and Revenue Advisory Committee)**

*Accepted* as contained in the Agenda Packet.

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

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

*Accepted* as contained in the Agenda Packet.

B. **Citizens Advisory Committee (CAC)**

*Accepted* as contained in the Agenda Packet.

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

*Accepted* as contained in the Agenda Packet.

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

*Accepted* as contained in the Agenda Packet.

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

*Accepted* as contained in the Agenda Packet.

28. **SUMMARY MINUTES FROM STANDING COMMITTEES** (continued)

Mr. Grace *addressed* the Board of Directors.

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

*Advised* the Board Members 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)

Mr. Grace addressed the Board of Directors.

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

Accepted as contained in the Agenda Packet.

C. Downtown East Valley PAB

Accepted as contained in the Agenda Packet.

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. REPORT FROM THE CHAIRPERSON

There was no report from the Chairperson.

34. ANNOUNCEMENTS

There were no Announcements.

3. ADJOURNED TO CLOSED SESSION at 8:44 p.m.

Board Member Gage left the meeting at 8:44 p.m.
Board Member Kerr left the meeting at 8:46 p.m.

A. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(a)]
Name of Cases: Santa Clara Valley Transportation Authority v. Louis A. Scaglione, Jr., et al. (Santa Clara County Superior Court Nos. 1-06-CV-065297 & 1-06-CV-065299--Complaints in Eminent Domain)

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

Name of Case: John M. Rea (Acting Director of State of California Department of Industrial Relations) and AFSCME v. Santa Clara Valley Transportation Authority (6th District Court of Appeal, Case No. H028841)

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

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

Employee Organization:
American Federation of State, County, and Municipal Employees (AFSCME)

D. Conference with Labor Negotiators
[Government Code Section 54957.6]

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

Employee Organization:
Transportation Authority Engineers and Architects (TAEA)

RECONVENED TO OPEN SESSION at 9:31 p.m.

4. CLOSED SESSION REPORT

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

Name of Cases: Santa Clara Valley Transportation Authority v. Louis A. Scaglione, Jr., et al. (Santa Clara County Superior Court Nos. 1-06-CV-065297 & 1-06-CV-065299--Complaints in Eminent Domain)

General Counsel noted that there was no public reportable information.
B. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(a)]

Name of Case: John M. Rea (Acting Director of State of California Department of Industrial Relations) and AFSCME v. Santa Clara Valley Transportation Authority (6th District Court of Appeal, Case No. H028841)

General Counsel noted that there was no public reportable information.

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

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

Employee Organization:
American Federation of State, County, and Municipal Employees (AFSCME)

General Counsel noted that there was no public reportable information.

D. Conference with Labor Negotiators
[Government Code Section 54957.6]

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

Employee Organization:
Transportation Authority Engineers and Architects (TAEA)

General Counsel noted that there was no public reportable information.

5. (Deferred)

Authorize the General Manager to amend and extend the terms and conditions of a labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA).

35. ADJOURNED at 9:32 p.m.