

BOARD OF DIRECTORS MEETING

Thursday, January 7, 2021

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Chairperson Hendricks at 5:30 p.m. via video and teleconference.

1.1 OATHS OF OFFICE

Chairperson Hendricks welcomed the following newly appointed Board Members: 1) Board Member Rich Constantine from the City of Morgan Hill, representing South County Cities - Group 4; 2) Board Member Darcy Paul from the City of Cupertino, representing West Valley Cities - Group 3; 3) Board Member Carmen Montano from the City of Milpitas, representing North East Cities Group - 5; 4) Alternate Board Member Lisa Gillmor from the City of Santa Clara, representing North East Cities Group – 5; and 5) Ex-Officio Board Member Margaret Abe-Koga, from the City of Mountain View.

Elaine Baltao, VTA Board Secretary, administered the Oath of Office to the newly appointed Boards Members.

Chairperson Hendricks also welcomed Santa Clara County Supervisor Otto Lee to the Board, noting that Board Member Lee was sworn in last month at the Eastridge to BART Regional Connector Policy Advisory Board meeting.

1.2. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio	Present
Marie Blankley	Alternate Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Board Member	Present
Rich Constantine	Board Member	Present
Dev Davis	Alternate Board Member	Present
Vacant	Board Member	Present
Susan Ellenberg	Alternate Board Member	Absent
Lisa Gillmor	Alternate Board Member	Present
Glenn Hendricks	Chairperson	Present
Charles “Chappie” Jones	Board Member	Present
Otto Lee	Board Member	Present
Sam Liccardo	Board Member	Present
John McAlister	Board Member	Present

Carmen Montano	Board Member	Present
Darcy Paul	Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.3. Orders of the Day

Chairperson Hendricks noted the Addendum to the Agenda, **Agenda Item #8.1.X.**, Receive an update on Regional Transit Coordination.

Public Comment

Roland Lebrun, Interested Citizen, commented about the election of the Chairperson and Vice Chairperson for 2021.

Blair Beekman, Interested Citizen, wished the Board a Happy New Year and welcomed the newly appointed Board Members.

Milton Hirsch, Interested Citizen, requested the Board to support any requests and/or suggestions presented by Eugene Bradley.

There were no Orders of the Day.

2. AWARDS AND COMMENDATION

2.1. 2020 Board Chairperson Resolution - Cindy Chavez

Chairperson Hendricks thanked Board Member Chavez for her leadership in 2020.

Board Member Chavez expressed her gratitude to her colleagues and to VTA staff for their support.

M/S/C (Liccardo/Peralez) to adopt **Resolution No. 2021.01.01** of appreciation for 2020 VTA Board Chairperson Cindy Chavez.

RESULT:	ADOPTED – Agenda Item #2.1
MOVER:	Sam Liccardo, Board Member
SECONDER:	Raul Peralez, Board Member
AYES:	Chavez, Constantine, Davis, Hendricks, Jones, Lee, Liccardo, McAlister, Montano, Paul, Peralez
NOES:	None
ABSENT:	Carrasco

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

2.2. Resolution of Appreciation for VTA Deputy General Manager and Chief Financial Officer Raj Srinath

Members of the Board thanked Mr. Srinath for his exceptional work during his tenure at VTA.

Mr. Srinath thanked the Board and all VTA staff for their support throughout his career at VTA.

M/S/C (Chavez/Liccardo) to adopt **Resolution No. 2021.01.02** of appreciation for retiring Deputy General Manager/Chief Financial Officer Raj Srinath.

RESULT:	ADOPTED – Agenda Item #2.2
MOVER:	Cindy Chavez, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Chavez, Constantine, Davis, Hendricks, Jones, Lee, Liccardo, McAlister, Montano, Paul, Peralez
NOES:	None
ABSENT:	Carrasco

3. PUBLIC COMMENT

Corvetté Jean, Interested Citizen, thanked the Board for their work during the pandemic and congratulated Mr. Srinath on his new appointment.

Mr. Lebrun commented about the following: 1) meeting materials posted on the VTA website; and 2) how to provide increased service between San Jose to Gilroy.

Mr. Beekman commented about the following: 1) commissioning an ethic review board for advertising; 2) the use of Shot Spotters at the Berryessa Bay Area Rapid Transit (BART) station; and 3) Big Belly trash cans.

Eugene Bradley, Silicon Valley Transit Users, commented about the following: 1) reiterated Mr. Lebrun's comments; and 2) VTA's equity issues.

4. PUBLIC HEARINGS

There were no public hearings.

5. COMMITTEE REPORTS

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

Citizens Advisory Committee (CAC) Chairperson Schulter introduced the newly elected Chairperson Vignesh Swaminathan and Vice Chairperson Nupur Gunjan and provided a brief report on the CAC Meeting of December 9, 2020.

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

Chairperson Hendricks noted the Policy Advisory Committee (PAC) Chairperson's report was available in the online agenda packet.

5.3. Standing Committee Chairpersons' Report

Chairperson Hendricks noted that the Administration and Finance Committee Chairperson's report was available in the online agenda packet.

5.4. Policy Advisory Board Chairpersons' Report

Chairperson Hendricks noted that the Eastridge to BART Regional Connector (EBRC) Policy Advisory Board Chairperson's report was available in the online agenda packet.

Public Comment

Mr. Beekman commented about the following: 1) thanked outgoing 2020 Chairperson Schuler for his work on the CAC; and 2) welcomed the newly elected Board Members; and 3) VTA's policies.

Mr. Lebrun urged the CAC to pay close attention to 2000 Measure A.

Mr. Bradley commented about the following: 1) congratulated the incoming 2021 CAC Chairperson and Vice Chairperson; and 2) the importance of the Committees' input to the Board, specifically the CAC.

6. CONSENT AGENDA

Board Member Paul referenced **Agenda Item #6.2.**, I-280/Wolfe Road Interchange - Funding Agreement Amendment with City of Cupertino - Term Extension. Pursuant to Government Code Section 1091.5A9, he noted that he serves on the Cupertino City Council and VTA Board and receives a stipend from the City of Cupertino and a per diem from VTA. He added he has a non-interest in the contract and is not required to recuse himself.

Board Member Liccardo referenced **Agenda Item 6.1.**, 2021 Legislative Program. He inquired about advocating for more funding to bring High Speed Rail to the Bay Area. He also asked if there are any programs like the Expedited Project Delivery (EPD) that could fund innovative approaches for light rail. Jim Lawson, Chief External Affairs Officer, noted staff could include language that would be more specific in advocating for funds for High Speed Rail to come to the Bay Area. Nuria I. Fernandez, General Manager/CEO noted the EPD is more for large infrastructure projects; however, there are many other grant programs that can be pursued.

Public Comment

Mr. Lebrun commented about the following: 1) High Speed Rail and suggested steps that VTA needs to take to move forward; and 2) Caltrain decisions in securing funding.

Mr. Beekman commented about the following: 1) High Speed Rail; 2) electric busses; and 3) VTA's budget issues.

John Courtney, Amalgamated Transit Union (ATU), Local 265, commented about the following: 1) welcomed newly appointed Board Members; and 2) expressed opposition to changing light rail.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. 2021 Legislative Program

M/S/C (Liccardo/Chavez) to approve the 2021 Legislative Program for the Santa Clara Valley Transportation Authority, as amended.

6.2. I-280/Wolfe Road Interchange - Funding Agreement Amendment with City of Cupertino - Term Extension

M/S/C (Liccardo/Chavez) to authorize the General Manager (GM) to execute agreement amendments with the City of Cupertino (City) to receive additional voluntary contributions for final design, right of way, and construction activities for the I-280/Wolfe Road Interchange Improvement Project (Project), to extend the contract term with the City for another three years and to extend the contract term with the City through amendments in the future without the need to return to the Board for approval for each time extension.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

There were no items submitted for the Consent Agenda from the Congestion Management Program & Planning Committee.

SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O) COMMITTEE

There were no items submitted for the Consent Agenda from the Safety, Security and Transit Planning and Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

6.3. General Liability and Workers' Compensation Reports with Payments and Settlements for First Quarter of Fiscal Year 2021

M/S/C (Liccardo/Chavez) to receive the General Liability, Workers' Compensation, and COVID-19 Industrial Injury/Illness Reports with Payments and Settlements for First Quarter of Fiscal Year 2021.

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6.4. Regular Meeting Minutes of December 3, 2020

M/S/C (Liccardo/Chavez) to approve the Regular Meeting Minutes of December 3, 2020.

6.5. Citizens Advisory Committee Appointment

M/S/C (Liccardo/Chavez) to ratify the appointment to the Citizens Advisory Committee.

6.6. Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

M/S/C (Liccardo/Chavez) to receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

RESULT:	ACCEPTED – Agenda Item #6.1, as amended and Item #s6.2-6.6
MOVER:	Sam Liccardo, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Carrasco, Chavez, Constantine, Davis, Hendricks, Lee, Liccardo, McAlister, Montano, Paul, Peralez
NOES:	None
ABSENT:	Jones

7. REGULAR AGENDA

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

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

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

There were no items submitted for the Regular Agenda from the Congestion Management Program & Planning Committee.

SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O) COMMITTEE

There were no items submitted for the Regular Agenda from the Safety, Security, and Transit Planning & Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

There were no items submitted for the Regular Agenda from the Governance and Audit Committee.

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7.1. 2021 Appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees

Jim Lawson, Chief External Officer, provided a brief overview of the staff report.

Public Comment

Mr. Beekman commented about the Capitol Corridor and the many changes Amtrak is going through.

M/S/C (Liccardo/Chavez) to approve appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees for 2021.

RESULT:	APPROVED – Agenda Item #7.1
MOVER:	Sam Liccardo, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Carrasco, Chavez, Constantine, Davis, Hendricks, Jones, Lee, Liccardo, McAlister, Montano, Paul, Peralez
NOES:	None
ABSENT:	None

7.2. Receive Updated Long-Term Sales Tax Revenue Forecast by University of California, Los Angeles (UCLA)

Mr. Srinath provided an overview of the staff report and introduced Dr. Leila Bengali, UCLA. They provided the Updated Long-Term Sales Tax Revenue Forecast presentation.

Members of the Board and staff discussed the following: 1) models used for forecasting sales-tax projections; 2) online sales tax revenue; 3) growth of goods vs services; and 4) how VTA benefits from destination-based sales tax.

On order of Chairperson Hendricks and there being no objection, the Board of Directors received an updated long-term sales tax revenue forecast by University of California, Los Angeles (UCLA).

7.3. FTA Expedited Project Delivery (EPD) Application for VTA's BART Silicon Valley Phase II

Mr. Srinath introduced Marcella Rensi, Deputy Director Grants and Fund Allocations, and Nathan Macek, WSP Global Inc. They provided a brief description about the EPD application and provided a presentation about VTA's BART Silicon Valley Phase II Extension Project Financial Plan.

Public Comment

Mr. Lebrun commented about the following: 1) WSP Global Inc; 2) challenges with the EPD application; 3) BART's project costs; and 4) posting meeting materials on the VTA website.

Mr. Beekman commented about the following: 1) BART phase II funding costs; 2) 2016 Measure B funds; and 3) Local Streets and Roads program category.

Mr. Bradley commented about the following: 1) concurred with the previous speakers' comments; 2) debt financing; and 3) 2000 Measure A.

Members of the Board had a robust discussion about the following: 1) debt service; 2) specifics of the Public-Private Partnership Agreement (P3 Agreement) and how it will benefit the overall BART project; 3) input and direction from the Technical Advisory Committee (TAC) Ad-hoc Committee; 4) funding for SR 85 corridor; 5) project prioritization process and fund allocation for projects under the different program categories; 6) the need to demonstrate to the Federal Transit Administration (FTA) that VTA has the financial capacity to fund BART phase II; 8) project readiness; 9) Board policies; 10) VTA's pension plans; and 11) 2000 Measure A debt issuance.

Chairperson Hendricks reminded the Board that there will be more opportunity to continue discussions at the upcoming VTA Board workshop on January 22, 2021.

On order of Chairperson Hendricks and there being no objection, the Board of Directors received information on the Federal Transit Administration (FTA) Expedited Project Delivery (EPD) Application for VTA's BART Silicon Valley Phase II Extension Project.

7.4. VTA Public Survey to Strengthen Confidence and Trust in Transit: Survey Results

Mr. Lawson provided a presentation entitled Trust in Transit Public Survey.

Public Comment

Mr. Beekman commented about the following: 1) using an honor system for collecting fares; and 2) the importance of transparency.

Upon inquiry from a Member of the Board, Mr. Lawson reported about how VTA is using the survey results to move forward.

On order of Chairperson Hendricks and there being no objection, the Board of Directors received a presentation regarding the Trust in Transit survey.

8. OTHER ITEMS

8.1. General Manager Report

Ms. Fernandez provided a report a brief report on VTA's response to COVID -19, noting the following: a) VTA is doing everything they can to address pass-ups and to get riders to their destinations; b) employees who can work from home (WFH) are encouraged to WFH to reduce interactions; and c) VTA's three tier plan for vaccinating employees. Ms. Fernandez also reported about Human Trafficking Training at VTA and announced the Metropolitan Transportation Commission (MTC) Blue Ribbon Transit Recovery Task Force.

8.1.X. Regional Transit Coordination Update

Scott Haywood, Deputy Director, Transit Planning & Capital Development, provided a presentation, highlighting: 1) Transit Coordination; 2) shared goals for Bay Area Transit; and 3) MTC's Blue Ribbon Transit Recovery Task Force Transformation Action Plan goals.

8.1.A. Government Affairs Update

Ms. Fernandez noted that the Government Affairs report was included in the online Agenda packet.

Public Comment

Mr. Lebrun commented about the following: 1) referenced a letter he provided to the Board, regarding CARES Act funding; and 2) VTA's challenges as it relates to Sam Trans.

Adina Levin, Friends of Caltrain, commented about the need for additional funding to achieve a more integrated system within the bay area.

Mr. Beekman commented about the effects of Covid-19, honor system for collecting fares, and cleaning transit vehicles.

Ian Griffiths, Seamless Bay Area and MTC's Blue Ribbon Task Force; made the following comments: 1) thanked VTA for supporting and collaborating with various transit systems; and 2) the need for a more integrated system between agencies.

Mr. Bradley commented about the following: 1) support for the previous speakers' comments, noting the need for a more integrated system; and 2) VTA's process for cleaning the transit vehicles.

Hayden Miller, Interested Citizen, expressed support Seamless Bay Area principles and for better regional transportation integration and fares between various transit agencies. He also commented about VTA's cleaning measures.

8.2. Chairperson's Report

Chairperson Hendricks provided the following main areas of focus for 2021: 1) Safe and Reliable service; 2) Funding Stability and Operational Sustainability; 3) 2016 Measure B spending plan; and 4) VTA's Business Plan.

Public Comment

Mr. Beekman thanked Chair Hendricks for his remarks.

Mr. Lebrun commented about American Citizenship.

Mr. Bradley commented about the following: 1) racial inequity; and 2) bike paths and trails along SR85.

8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

A Member of the Board provided suggestions on how Board Members are appointed to the VTA; and suggested that non-elected officials have the opportunity to serve.

8.4. Announcements

There were no Announcements.

9. CLOSED SESSION

9.1 Recessed to Closed Session at 9:06 p.m.

Evelynn Tran, General Counsel, noted that **Item #9.1.A** is related to Section to 218 and Social Security.

- A. Conference with Legal Counsel - Anticipated Litigation**
 - Significant Exposure to Litigation
 - [Government Code Section 54956.9(d)(2)]
 - Number of potential cases: multiple

- B. Conference with Legal Counsel - Existing Litigation**
[Government Code Section 54956.9(d)(1)]

Name of Case: Skansa-Shimmick-Herzog, a Joint Venture v. Santa Clara Valley Transportation Authority, et al.
(San Mateo County Superior Court Case No. 20-CIV-02854)

9.2 Reconvened to Open Session at 9:53 p.m.

9.3 Closed Session Report

- A. Conference with Legal Counsel - Anticipated Litigation**
Significant Exposure to Litigation
[Government Code Section 54956.9(d)(2)]

Number of potential cases: multiple

Ms. Tran noted that no reportable action was taken during Closed Session.

- B. Conference with Legal Counsel - Existing Litigation**
[Government Code Section 54956.9(d)(1)]

Name of Case: Skansa-Shimmick-Herzog, a Joint Venture v. Santa Clara Valley Transportation Authority, et al.
(San Mateo County Superior Court Case No. 20-CIV-02854)

Ms. Tran reported that the Board authorized General Counsel to initiate litigation against the sureties of Skansa-Shimmick-Herzog.

10. ADJOURNMENT

On order of Chairperson Hendricks and there being no objection, the meeting was adjourned at 9:54 p.m.

Respectfully submitted,

Theadora Abraham
VTA Office of the Board Secretary