

## BOARD OF DIRECTORS MEETING

Thursday, June 4, 2020

### MINUTES

#### 1. CALL TO ORDER AND ROLL CALL

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

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Marie Blankley	Alternate Board Member	Absent
Jeannie Bruins	Ex-Officio Member	Present
Larry Carr	Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Chairperson	Present
David Cortese	Board Member	Present
Dev Davis	Alternate Board Member	Absent
Lan Diep	Board Member	Present
Susan Ellenberg	Alternate Board Member	Absent
Glenn Hendricks	Vice Chairperson	Present
Charles "Chappie" Jones	Board Member	Present
Liz Kniss	Alternate Board Member	Present
Sam Liccardo	Board Member	Present
John McAlister	Board Member	Present
Howard Miller	Alternate Board Member	Present
Bob Nuñez	Board Member	Present
Teresa O'Neill	Alternate 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.**

##### 1.2. Pledge of Allegiance

The Pledge of Allegiance commenced.

### **1.3. Orders of the Day**

Chairperson Chavez referenced the Revised Agenda reflecting the updated amounts for **Agenda Item #7.6.**, Amendment 1 to Contract S19032 with Sheriff for Supplemental Law Enforcement Support Services; and **Agenda Item #7.7.** FY 2021 BART Operations & Maintenance Budget Augmentation. The changes were reflected in the Revised online Agenda packet.

Chairperson Chavez noted staff's request to place the following Regular Agenda items to the Consent Agenda: 1) **Agenda Item #7.2.**, Technology Maintenance, Licensing and Support Contracts; 2) **Agenda Item #7.3.**, Berryessa Extension Project DB11002F (C700 A/R) Partial Assignment Contract, Contract Amendment; 3) **Agenda Item # 7.4.**, Resolution to apply for FY 2019/20 Low Carbon Transit Operations Program Funds; 4) **Agenda Item #7.5.**, Fiscal Year 2019 Annual Report and Sustainability Plan; and 5) **Agenda Item #7.8.**, Extension of Delegation of Emergency Powers.

Board Member McAlister requested that **Agenda Item #7.4.**, Resolution to apply for FY 2019/20 Low Carbon Transit Operations Program Funds, remain on the Regular Agenda. Board Member McAlister asked that Chairperson Chavez consider extending the public speaker time to two minutes.

Board Member Liccardo joined the meeting via video and teleconference  
at 5:40 p.m.

Members of the Board discussed: 1) extending public speaker time; and 2) limiting the speaking time for staff presenter and Board Member to five minutes.

#### **Public Comment**

The following Interested Citizens expressed their support to extend the public speaking time to two minutes:

- B. Beekman
- Eugene Bradley
- Sean Mulligan

**M/S/C (Hendricks//Nuñez)** to accept the Orders of the Day.

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

<b>RESULT:</b>	<b>ACCEPTED – Agenda Item #1.3</b>
<b>MOVER:</b>	Glenn Hendricks, Vice Chairperson
<b>SECONDER:</b>	Bob Nuñez, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	None

## **2. AWARDS AND COMMENDATION**

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### **2.1. Employees and Supervisor of the Quarter for the Second Quarter of 2020**

The Board recognized Rebecca De Leon, Management Analyst, Highway Capital Program Department; Alvaro Pantoja, Transit Mechanic, Chaboya Maintenance; as Employees of the Second (2nd) Quarter of 2020; and Kermit Cuff, Transit Service Development Supervisor, Service Planning Department, as Supervisor of the Second (2nd) Quarter of 2020.

### **2.2. Retirement Commendations**

The Board recognized the following retirees for their public service with VTA: 1) John Harris, Transportation Supervisor, for 40 years of service; 2) Romy Tabora, Sr., Transit Mechanic, for 39 years of service; 3) Cheryl Gonzales, Assistant Superintendent, for 33 years of service; and 4) Diana Jimenez, Coach Operator, for 33 years of service.

### **2.3. Cristo Rey Corporate Work Study Program Intern Commendation**

The Board recognized the following Cristo Rey San José Jesuit High School student interns for their outstanding contributions to VTA: 1) Maricela Contreras; 2) Jesus Diaz Cruz; 3) Mauricio Ochoa-Estrada; 4) Maria Lopez; 5) Joselyn Lopez; 6) Alexis Martinez; 7) Bianca Martinez; 8) Sammy Tonga; and 9) Moises Vences.

#### **Public Comment**

Tessa, Interested Citizen, made the following comments: 1) complimented VTA for placing agenda items on the screen for easy reference and to see the Board of Directors' faces on screen; and 2) having open air buses for sufficient ventilation.

**2.4. 2020 Outgoing Board Member Resolution**

**M/S/C (Carrasco/Rennie)** to adopt **Resolution of Appreciation No. 2020.06.17** for outgoing VTA Board Member Richard Tran.

<b>RESULT:</b>	<b>ADOPTED – Resolution of Appreciation for Outgoing VTA Board Member Richard Tran, Item #2.4</b>
<b>MOVER:</b>	Magdalena Carrasco, Board Member
<b>SECONDER:</b>	Rob Rennie, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	None

**3. PUBLIC COMMENT**

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Roland Lebrun, Interested Citizen, commented on the following: 1) archiving VTA meetings on the website; and 2) public speaker time.

Blair Beekman made the following comments: 1) thanked the Office of the Board Secretary for fulfilling his requests for the audio/video recordings of previous VTA public meetings; and 2) noted the California Consumer Public Act when joining Zoom-hosted public meetings.

The following Interested Citizens urged VTA to collaborate with the private sector for a study that will look into improving countywide signal priority, increasing ridership, and decreasing traffic congestion.

- Scott Mace
- Daniel Huynh
- Cole Cameron
- Hoi-An Truong
- Monica Mallon
- Eugene Bradley
- Tessa
- Alex Shoor
- Kevin Ma
- Sean Mulligan

Ms. Mallon referenced the letter signed by over 70 youth transit riders, environmentalists, and supporters urging to work on transit speed improvement, efficiency, and more services per dollar.

Mr. Bradley commented about joy riding on Route 22 and Rapid 522.

Jonathan, Interested Citizen, commented about signs at bus stops.

Mr. Ma requested that written comments provided should be read at the meeting.

Mr. Sean commented the Berryessa and Milpitas BART stations need to be officially named by BART, citing California Public Utilities Code Section 29036. He noted sending a letter to BART to agendize the recommendation at the June 11, 2020, BART Board of Directors meeting or on the opening of the two stations in San Jose and Milpitas on June 12, 2020.

#### **4. PUBLIC HEARINGS**

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##### **4.1. Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project (EBRC) Resolution of Necessity Hearing**

Ron Golem, Director of Real Estate & Transit Oriented Development, provided a presentation, entitled Eastridge to BART Regional Connector (EBRC): Capitol Expressway Light Rail Project.

The public hearing was opened. There were no public speakers.

Board Members McAlister and Carr expressed opposition to acquiring these properties for the following reasons: 1) alternative plan for transit and other studies have not been reviewed by the Board; 2) purchase of these properties are not fully substantiated; 3) decreased ridership, COVID-19, and other financial responsibilities; and 4) other concerns like reducing greenhouse effect and climate change, electrification of buses, need to be addressed to achieve innovative clean transit solution.

Discussion ensued on the necessity to acquire these properties as prerequisite for construction of viaduct.

Board Member Carrasco left the teleconference meeting at 6:44 p.m.

**M/S/C (Hendricks/Cortese)** on a vote of 9 ayes to 2 noes to 1 absent to close the Public Hearing and adopt **Resolution No. 2020.06.18, Resolution No. 2020.06.19, Resolution No. 2020.06.20**, determining that the public interest and necessity require the acquisition of portions of the three properties for the Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project EBRC (“Project”). Board Members McAlister and Carr opposed.

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

**Resolution No. 2020.06.18** - EBRC 1214 (APN 484-34-131) owned by Tuong Ba Tran Zhen Shu Zhong, as Trustee of the Zhen Shu Zhong Living Trust dated October 27, 2007.

**Resolution No. 2020.06.19** - EBRC 1215 (APN 484-34-019) owned by World Oil Corporation, a California corporation.

**Resolution No. 2020.06.20** - EBRC 1217 (APN 488-01-041) owned by The Barbara Carleton Trust No. 2 c/o Bohannon Development Company

<b>RESULT:</b>	<b>ADOPTED – to close the Public Hearing and adopt Resolutions for EBRC 1214, EBRC 1215, and EBRC 1217 (Item #4.1)</b>
<b>MOVER:</b>	Glenn Hendricks, Vice Chairperson
<b>SECONDER:</b>	Dave Cortese, Board Member
<b>AYES:</b>	Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, Nuñez, Peralez, Rennie
<b>NOES:</b>	Carr, McAlister
<b>ABSENT:</b>	Carrasco

Board Member Carrasco returned to her seat at 6:48 p.m.

**4.2. Caltrain Modernization Program Electrification Project Resolution of Necessity Hearing**

Ron Golem, Director of Real Estate & Transit Oriented Development, and Brian Fitzpatrick, SamTrans, provided a presentation, entitled Caltrain Modernization Program Electrification Project.

The public hearing was opened.

**Public Comment**

Tessa commented the Caltrain transit service to BART to County of Santa Clara is redundant.

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

**Resolution No. 2020.06.21** - JPB-SC4-0114 (APN 259-28-028) owned by Diridon Hospitality, LLC

**M/S/C (Hendricks/Carrasco)** to close the Public Hearing and adopt **Resolution No. 2020.06.21** determining that the public interest and necessity require the acquisition of property interests for the Caltrain Peninsula Corridor Electrification Project.

<b>RESULT:</b>	<b>ADOPTED <u>UNANIMOUSLY</u> – to close the Public Hearing and adopt Resolution for JPB-SC4-0114 (APN 259-28-028) (Item #4.2)</b>
<b>MOVER:</b>	Glenn Hendricks, Vice Chairperson
<b>SECONDER:</b>	Magdalena Carrasco, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	None

## **5. COMMITTEE REPORTS**

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

Chairperson Chavez noted that the written Citizens Advisory Committee (CAC) Chairperson's Report was included in the online agenda packet.

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

Chairperson Chavez noted that the written Policy Advisory Committee (PAC) Chairperson's Report was included in the online agenda packet.

### **5.3. Standing Committee Chairpersons' Report**

Chairperson Chavez noted that the written Standing Committee Chairpersons' Reports were included in the online agenda packet.

Vice Chairperson Hendricks and Capital Program Committee (CPC) Chairperson provided a report on the May 28, 2020, CPC meeting, highlighting the following: 1) elected Larry Carr as vice chairperson for 2020; 2) robust discussion on Board policy on operating impacts of ballot measure decision; 3) received a report on VTA's Next Generation High Capacity Transit (NextGen) Study. Chairperson Hendricks provided a brief report on the NextGen Study's scope and schedule.

### **5.4. Policy Advisory Board Chairpersons' Report**

There was no Policy Advisory Board (PAB) Chairpersons' report.

## **6. CONSENT AGENDA**

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Evelynn Tran, General Counsel, referenced **Agenda Item 6.12.**, and noted that Board Member McAlister serves on the City Council in the City of Mountain View and on the VTA Board of Directors; he receives a stipend from the city and approved per diem from VTA, and under Government Code Section 1091.5(a)(9) he has non-interest in the contract and does not have to recuse from the item.

Chairperson Chavez noted for the record that the Board of Directors received written comments from Roland Lebrun on **Agenda Items 6.4. and 6.11.** and the comments were included in the online agenda packet.

### **Public Comment**

Mr. Lebrun referenced **Agenda Item #6.11.**, Memorandum of Understanding between VTA & Santa Clara County Office of Supportive Housing on Joint Affordable Housing Efforts and noted that the City of Gilroy should be excluded because high-speed rail would be coming to the city.

Scott Mace referenced **Agenda Item #6.1.**, Central Bikeway Feasibility Study and Alternatives Analysis and made the following comments: 1) the materials did not include

links to the countywide bike plan as envisioned; and 2) requested for public transparency on feasibility studies before proceeding to project completion.

Tessa referenced **Agenda Item #6.8.**, Kimley-Horn and Associates Contract (\$15025) Extension for the BART Silicon Valley Program, and commented on streamlining VTA's BART Silicon Valley Program.

Ms. Tran noted Board Member Cortese's recusal to vote on **Agenda Items #6.5, #6.6, #6.7, #6.8, and #6.9** due to conflict of interest as mandated by California Government Code 84308 on campaign contributions.

<b>ADMINISTRATION AND FINANCE (A&amp;F) COMMITTEE</b>
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**6.1. Central Bikeway Feasibility Study and Alternatives Analysis**

**M/S/C (Carr/Nuñez)** to authorize the General Manager to execute a time and material contract for a period of 20 months with Alta Planning + Design, Inc. to perform an alternatives analysis, outreach campaign, and feasibility study for the Central Bikeway in the amount of \$705,255.

**6.2. Amendment to Federal Administrative Policy and Counsel Contract with the Law Offices of Patrick Reilly**

**M/S/C (Carr/Nuñez)** to authorize the General Manager/CEO to execute an amendment to the existing federal administrative policy and counsel contract with the Law Offices of Patrick Reilly, increasing the term by an additional forty (40) months for a new expiration date of June 30, 2024, and increasing the contract by an additional \$480,000 for a total contract value of \$976,200.

**6.3. Diridon Integrated Station Concept Layout**

**M/S/C (Carr/Nuñez)** to accept the Diridon Integrated Station Concept (DISC) Plan Phase 1 Concept Layout which was received by the Board of Directors at the December 2019 meeting.

**6.4. Diridon Integrated Station Concept Plan - Cooperative Agreement Amendment**

**M/S/C (Carr/Nuñez)** to authorize the VTA General Manager to amend the existing Cooperative Agreement with the City of San José, Caltrain, and the California High Speed Rail Authority related to the Diridon Integrated Station Concept Plan (DISC) to include the Metropolitan Transportation Commission (MTC) as a participating agency, increase the collective funding commitment by \$5,600,000, and to execute related funding agreements with these participating agencies.



**6.5. US 101/San Antonio Road Interchanges Improvement**

M/S/C (Carr/Nuñez) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute a contract with WMH Corporation to provide alternatives analysis and preliminary engineering design services for the Project Initiation Document (PID) phase of the US 101 Interchange Improvements: San Antonio Road to Charleston Road/Rengstorff Avenue project for a total value of \$576,000. Board Member Cortese refused.

**6.6. I-280/Wolfe Road Interchange - Contract Amendment with HMM Engineers for PS&E Phase**

M/S/C (Carr/Nuñez) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute a contract amendment with HMM Engineers to provide Plans, Specifications, and Estimate (“PS&E”) services in an amount of \$5,499,995 for the I-280/Wolfe Road Interchange Project. Board Member Cortese refused.

**6.7. Amendment with Alstom Signaling Inc. for Light Rail Supervisory Control and Data Acquisition System**

M/S/C (Carr/Nuñez) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to enter into an Agreement Amendment with Alstom Signaling Inc. (formerly GE Transportation Systems Global Signaling, LLC) in an amount of \$3,000,000 for Light Rail Supervisory Control & Data Acquisition modification services for a new total agreement amount of \$12,078,848. This amendment will extend the agreement for an additional three years from June 2021 to June 2024. Board Member Cortese refused.

**6.8. Kimley-Horn and Associates Contract (S15025) Extension for the BART Silicon Valley Program**

M/S/C (Carr/Nuñez) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute a contract extension with Kimley-Horn and Associates (KHA), Inc. for a three (3) month period with no increase to the contract value, beginning July 1, 2020, to continue to provide planning, programming, outreach, agency coordination, environmental compliance, and external stakeholder management services for VTA’s BART Silicon Valley Program. Board Member Cortese refused.

**6.9. Award of Contracts for VTA Wireless Services and Equipment**

M/S/C (Carr/Nuñez) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to issue multiple seven-year contracts with AT&T, Verizon, Sprint, T-Mobile and other approved wireless providers in accordance with cooperative purchasing agreements such as: the National Association of State Procurement Officials (NASPO) Valuepoint, HGACBuy and CALNET for wireless communication services. The combined cost of the seven-year term is \$8,400,000 for all firms, this includes services to machine to machine equipment for digital signage, paratransit vehicles, revenue vehicle mobile network and

passenger Wi-Fi, closed circuit television wireless security solutions, computer aided dispatch - automated vehicle location, redundant wireless network links and VTA managed employee phone lines. Board Member Cortese recused.

**6.10. Fiscal Year 2020 Statement of Revenues and Expenses for the Period Ending March 31, 2020**

M/S/C (Carr/Nuñez) to review and accept the Fiscal Year 2020 Statement of Revenues and Expenses for the period ending March 31, 2020.

**6.11. Memorandum of Understanding between VTA & Santa Clara County Office of Supportive Housing on Joint Affordable Housing Efforts**

M/S/C (Carr/Nuñez) to receive the Memorandum of Understanding between VTA & Santa Clara County Office of Supportive Housing on Joint Affordable Housing Efforts.

<b>CONGESTION MANAGEMENT PROGRAM &amp; PLANNING (CMPP) COMMITTEE</b>
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**6.12. 2016 Measure B Castro Street Grade Separation Project Cooperative Agreement**

M/S/C (Carr/Nuñez) to authorize the General Manager to execute the necessary agreements with the City of Mountain View and the Peninsula Corridor Joint Powers Board to deliver the Castro Street Grade Separation Project.

**6.13. 2016 Measure B Bicycle & Pedestrian Capital Projects Competitive Grant – Program of Projects**

M/S/C (Carr/Nuñez) to: 1) approve the 10-year priority project list for the 2016 Measure B Bicycle & Pedestrian Capital Projects Competitive Grant Program and 2) authorize the General Manager to execute the necessary agreements for the 2016 Measure B Bicycle & Pedestrian Capital Projects Competitive Grant Program funds.

**6.14. Regional Transportation Plan Project List Submittal**

M/S/C (Carr/Nuñez) to approve Santa Clara Valley Transportation Authority's Draft Plan Bay Area (PBA) 2050 Fiscally Constrained Project List.

**6.15. Programmed Project Monitoring - Quarterly Report**

M/S/C (Carr/Nuñez) to receive the Programmed Project Monitoring - Quarterly Report.

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

**6.16. Adopt a Revised Title VI Systemwide Service Standards & Policies**

M/S/C (Carr/Nuñez) to adopt the revised Title VI Systemwide Service Standards & Policies, revised per the New Transit Service Plan.

**GOVERNANCE AND AUDIT (G&A) COMMITTEE**

**6.17. Distribution, Use, and Reporting of Tickets and Passes Policy**

M/S/C (Carr/Nuñez) to establish a policy governing the distribution, use, and reporting of complimentary tickets and passes to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose in compliance with California Code of Regulations, Title 2, Division 6, section 18944.1 of the Fair Political Practices Commission (FPPC) Regulations, which would exempt the ticket or pass from the Form 700 Statement of Economic Interest gift reporting requirements.

**6.18. General Liability and Workers' Compensation Claim Payments and Settlements for Third Quarter Fiscal Year 2020**

M/S/C (Carr/Nuñez) to receive the General Liability and Workers' Compensation Claim Payments and Settlements for Third Quarter Fiscal Year 2020.

**BOARD OF DIRECTORS**

**6.19. Approve the VTA Board of Directors Regular Meeting Minutes of May 7, 2020**

M/S/C (Carr/Nuñez) to approve the VTA Board of Directors Regular Meeting Minutes of May 7, 2020.

**6.20. Receive Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Board (JPB), and Regional Commissions**

M/S/C (Carr/Nuñez) to receive the unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Board (JPB), and Regional Commissions.

**7.2. Technology Maintenance, Licensing and Support Contracts**

M/S/C (Carr/Nuñez) to authorize the General Manager to approve sole-sourced technology maintenance, licensing, and support agreements and amendments to existing agreements with specified technology firms for software and hardware support services for a maximum term of seven years per agreement (inclusive of amendments) and a total cumulative value for all agreements not to exceed \$27,314,000.

**7.3. Berryessa Extension Project DB11002F (C700 A/R) Partial Assignment Contract, Contract Amendment**

M/S/C (Carr/Nuñez) to authorize the General Manager to amend Partial Assignment Contract DB11002F (C700 A/R) with Aldridge/Rosendin JV by \$7,000,000, resulting in a total contract amount of \$42,835,858.

**7.5. Fiscal Year 2019 Annual Report and Sustainability Plan**

M/S/C (Carr/Nuñez) to receive the Sustainability Program's Fiscal Year (FY) 2019 Annual Report and approve Sustainability Plan 2020.

**7.8. Extension of Delegation of Emergency Powers**

M/S/C (Carr/Nuñez) to adopt resolutions:

(1) Extending VTA Resolution No. 2020.04.06, which, among other things, granted the General Manager or her/his designee certain emergency powers under Government Code sections 8631 and 8634, until the termination of the local emergency related to COVID-19 declared by the County of Santa Clara, unless earlier terminated by the VTA Board of Directors.

(1) Extending VTA Resolution No. 2020.04.07, which, among other things, granted the General Manager or her/his designee certain emergency contracting powers under Public Contract Code sections 1102, 20303, and 22050, until the termination of the local emergency related to COVID-19 declared by the County of Santa Clara, unless earlier terminated by the VTA Board of Directors.

<b>RESULT:</b>	<b>APPROVED – Consent Agenda Items #6.1 – #6.4, #6.10 - #6.20, #7.2 - #7.5, and #7.8</b>
<b>MOVER:</b>	Larry Carr, Board Member
<b>SECONDER:</b>	Bob Nuñez, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	None

<b>RESULT:</b>	<b>APPROVED – Consent Agenda Items #6.5 - #6.9</b>
<b>MOVER:</b>	Larry Carr, Board Member
<b>SECONDER:</b>	Bob Nuñez, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>RECUSED:</b>	Cortese
<b>ABSENT:</b>	None

## REGULAR AGENDA

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### 7.1. Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, BART Silicon Valley Extension Project Chief; Krishna Davey, Deputy Director, SVRT/BART Project Controls; and Shane Edwards, Rail Acceptance Office, BART, provided a presentation entitled VTA's BART Silicon Valley Berryessa Extension Project, highlighting the preparations leading up to the June 13, 2020, opening of the BART-Berryessa and BART-Milpitas stations.

Bernice Alaniz, Director of SVRT Business Operations, announced the Milpitas and Berryessa/North San Jose BART stations will open for passenger service on June 13, 2020. Due to COVID-19 pandemic, the public can participate in the virtual opening celebration scheduled for June 12, 2020.

#### Public Comment

Mr. Mulligan restated the California Government Code 23096 mandate to officially name the two new BART stations. He recommended: 1) auditing the San Jose and Warm Spring extension projects by the BART Inspector General; and 2) peer review by the American Public Transportation Association (APTA) on Warm Springs and Berryessa stations with focus on emissions data. Mr. Mulligan further suggested creating a governing body composed of elected officials and that Caltrain hold regular meetings through year 2030.

Mr. Lebrun commented safety measures be put into place in case of fire in the BART tunnel.

Tessa commented on fire and safety issues, prioritizing public health, the recent Grand Jury report, and BART Phase 2 project.

Eugene Bradley concurred with Mr. Lebrun and Tessa's comments. Mr. Bradley inquired about the following: 1) VTA's alternative plan if BART ridership declined and/or went bankrupt; 2) if 500 bus routes had time connection between BART-Milpitas and BART-Berryessa stations.

Mr. Beekman commented about the use of Automated License Plate Recognition (ALPR) technology and VTA's reduction of ALPR commercial data collection.

Nuria I. Fernandez, General Manager/CEO, thanked Krishna Davey, VTA staff, and Shane Edwards, BART staff, for their work and completion of the BART Milpitas and Berryessa project.

**On order of Chairperson Chavez**, and there being no objection, the Board of Directors received the Silicon Valley Rapid Transit (SVRT) Program Update.

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

Authorize the General Manager to approve sole-sourced technology maintenance, licensing, and support agreements and amendments to existing agreements with specified technology firms for software and hardware support services for a maximum term of seven years per agreement (inclusive of amendments) and a total cumulative value for all agreements not to exceed \$27,314,000.

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

Authorize the General Manager to amend Partial Assignment Contract DB11002F (C700 A/R) with Aldridge/Rosendin JV by \$7,000,000, resulting in a total contract amount of \$42,835,858.

**CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE**

**7.4. Adopt Resolution to Apply Fiscal Year 2020-2021 Low Carbon Transit Operations Program Funds to the next Zero Emission Bus Procurement and the Eastridge to BART Regional Connector (EBRC) Project**

Board Member McAlister expressed concern about the following: 1) moving the funds from other priority projects like sustainability study and zero emission bus (ZEB) purchase to finance the EBRC Project; and 2) exploring other funding sources only to reallocate to other projects.

Marcella Rensi, Deputy Director of Grants & Fund Allocation, explained the delay in the ZEB procurement.

**Public Comment**

Mr. Lebrun commented on the 60-foot bus cost and suggested purchasing less expensive vehicles to test run on the abandoned railroad line between Alameda and Lincoln Avenue.

**M/S/C (Cortese/Carrasco)** on a vote of 11 ayes to 1 no to adopt **Resolution No. 2020.06.22** authorizing the General Manager or her designee to file and execute grant applications, agreements, certifications, assurances and allocation requests for VTA's 2019/20 Low Carbon Transportation and Operations Program (LCTOP). Further authorize the designation of alternate authorized agents. Lastly, assign the LCTOP funds to the 2021 Zero Emission Bus Purchase and the Eastridge to BART Regional Corridor (EBRC) Project as recipients. Board Member McAlister opposed.

**RESULT:** APPROVED – Agenda Item #7.4  
**MOVER:** Dave Cortese, Board Member  
**SECONDER:** Magdalena Carrasco, Board Member  
**AYES:** Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, Nuñez, Peralez, Rennie  
**NOES:** McAlister  
**ABSENT:** None

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTPO)  
COMMITTEE**

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

Receive the Sustainability Program’s Fiscal Year (FY) 2019 Annual Report and approve Sustainability Plan 2020.

**GOVERNANCE AND AUDIT (G&A) COMMITTEE**

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

**BOARD OF DIRECTORS**

**7.6. Amendment 1 to Contract S19032 with Sheriff for Supplemental Law Enforcement Support Services**

Evelynn Tran noted that Chairperson Chavez and Board Member Cortese both serve on the County of Board Supervisors and on the VTA Board and they receive a stipend from the County and per diem from VTA. Under Government Code Section 1091.5(a)(9) they have a non-interest in this contract and are not required to recuse themselves from this item.

**Public Comment**

Mr. Beekman commented on the 60 - 75 days review policy on the surveillance and safe and organized sharing of data collected with the city, county, and state agencies with use of upgraded technology.

**M/S/C (Hendricks/Nuñez)** to authorize the General Manager/CEO to execute Amendment 1 to Contract No. S19032 with the County of Santa Clara - Office of the Sheriff for the addition of supplemental law enforcement support services at the Silicon Valley BART Extension’s (SVBX) Milpitas campus (Location 3) for a total of two (2) years with five (5) one-year options, increasing the total contract amount by \$11,746,123 for a new total contract amount not to exceed \$95,812,389.

<b>RESULT:</b>	<b>APPROVED UNANIMOUSLY – Agenda Item #7.6</b>
<b>MOVER:</b>	Glenn Hendricks, Vice Chairperson
<b>SECONDER:</b>	Bob Nuñez, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None

**7.7. FY 2021 BART Operations & Maintenance Budget Augmentation**

Raj Srinath, Deputy General Manager/CFO, and Franklin Wong, Deputy Director of Finance, Budget & Program Management, provided a brief presentation on the 2008 Measure B BART Operations & Maintenance Program - FY 2021 BART Budget Augmentation.

Chairperson Chavez left the teleconference meeting at 7:50 p.m. and relinquished her seat to Vice Chairperson Hendricks.

**Public Comment**

Mr. Lebrun commented that the decline in funding gap generated for Measure B between pre-COVID-19 and current may result in tapping Measure A funds to support BART to Santa Clara and maintenance.

Mr. Beekman suggested a quarterly report be done on revenues impacted by COVID-19 for the next few years.

Members of the Board and staff discussed 2008 Measure B funding dedicated to the BART Extension project, capital contribution, and any unexpended funds that would be rolled over towards next year budget.

**M/S/C (Liccardo/Nuñez)** to augment the 2008 Measure B - BART Operations & Maintenance (“O&M”) Program Budget by \$94,847,229 for FY 2021 for Operations, Maintenance, and Capital Expenses of VTA’s BART Silicon Valley Extension to the Milpitas and Berryessa BART stations, resulting in a total budget of \$95,970,986 that includes 18 days of FY 2020 (June 13th through June 30th), which will be paid to BART in FY 2021.

<b>RESULT:</b>	<b>APPROVED UNANIMOUSLY – Agenda Item #7.7</b>
<b>MOVER:</b>	Liccardo, Board Member
<b>SECONDER:</b>	Nuñez, Board Member
<b>AYES:</b>	Carr, Carrasco, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	Chavez



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

Adopt resolutions:

- (1) Extending VTA Resolution No. 2020.04.06, which, among other things, granted the General Manager or her/his designee certain emergency powers under Government Code sections 8631 and 8634, until the termination of the local emergency related to COVID-19 declared by the County of Santa Clara, unless earlier terminated by the VTA Board of Directors.
- (2) Extending VTA Resolution No. 2020.04.07, which, among other things, granted the General Manager or her/his designee certain emergency contracting powers under Public Contract Code sections 1102, 20303, and 22050, until the termination of the local emergency related to COVID-19 declared by the County of Santa Clara, unless earlier terminated by the VTA Board of Directors.

Chairperson Chavez returned to her seat at 7:57 p.m. and presided over the meeting.

**7.9. Financial Status Update – COVID-19**

Mr. Srinath and Mr. Wong provided an update on the Financial Status – COVID-19, highlighting: 1) financial impact to VTA for Fiscal Year 2020/2021; 2) Ridership Trends; 3) Operating Reserves; and 4) Sales Tax Stabilization.

**Public Comment**

Mr. Lebrun commented that funds withdrawn from Measure A to pay for BART since 2009 should be investigated by the Governance & Audit Committee.

Mr. Mace commented on homeless issues on popular bus routes and measures to mitigate the issue and attract more riders.

Mr. Mulligan inquired about accommodations to lower construction cost for the next infrastructure projects.

Ms. Mallon encouraged the Board to prioritize transit and to reach out to the younger people for any decision making in the future.

Mr. Beekman commented on importance of mass transit and opportunity to speak during the consideration of the consent agenda.

Mr. Bradley made the following comments: 1) urged the Board to prioritize transit; 2) suggested including all representation of transit riders, not only just the essential workers, to take part in VTA's campaign.

Members of the Board and staff discussed the updated sales tax projections and impacts to the ridership and economy as well as funds received from the government, and methods to present to the Board for budget adjustments.

**On order of Chairperson Chavez**, and there being no objection, the Board of Directors received the Financial Status Update – COVID-19.

## **8. OTHER ITEMS**

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### **8.1. General Manager's Report**

Nuria I. Fernandez, General Manager/CEO, provided a brief presentation on the ongoing COVID-19 Response and Reopening Plan, highlighting the following: 1) customer survey on perception of public transit; 2) public health and safety; 3) financial stability; 4) delivery of service; 5) technology innovations; 6) marketing and communications; and 7) safety guidelines for riders and operators.

Chairperson Chavez thanked the management and frontline staff for taking safety of passengers and staff seriously.

#### **Public Comment**

Mr. Mulligan commented on ventilation and use of ultra-violet light (UVC) on buses and light rail.

Mr. Beekman commented on positive, sustainable, and affordable housing for the median, low, very low-income levels.

Mr. Bradley commented on the following: 1) the ridership recovery slogan on essential workers, noting it should not exclude anybody; 2) urged VTA continue prioritizing public transportation after recovering from COVID-19 pandemic; and 3) efficient connection between bus and BART.

Discussion ensued regarding the following: 1) posting the COVID-19 testing sites and links on VTA's website, buses and trains; 2) temporary storage for testing samples at the Eastridge Transit Center; 3) continuous campaign on face coverings and social distancing; and 4) updating messages on the posters and website.

#### **8.1.A. Government Affairs Update**

Chairperson Chavez noted that the Government Affairs Update was included in the online agenda packet.

### **8.2. Chairperson's Report**

There was no Chairperson's Report.

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

Board Member Cortese requested protocols be put in place for the official naming of the BART Milpitas and Berryessa facilities. Ms. Fernandez noted that a presentation pertaining to this will be provided at the June 19, 2020 Board meeting.

Chairperson Chavez requested that staff look at strategies to address speeding traffic where there is presence of pedestrians and bikers.

**8.4. Announcements**

There were no Announcements.

**9. CLOSED SESSION**

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Ex-Officio Member Bruins left the teleconference meeting at 9:07 p.m.

**9.1. Recessed to Closed Session at 9:07 p.m.**

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

Property: The VTA-owned portion of Santa Clara Transit Center parking lot, Santa Clara, California, located on a portion of the block bounded by Benton Street, Railroad Avenue, and El Camino Real, also referred to as Assessor Parcel Number 238-08-061.

Agency Negotiators: Ron Golem, Director Real Estate, Real Estate & Transit-Oriented Development; Jessie O'Malley Solis, Manager of Transit-Oriented Development; Janet Smith-Heimer, Principal of The Housing Workshop

Negotiating Parties: Republic Metropolitan LLC  
Developer Negotiator: Robert Mendelsohn, Republic Metropolitan, LLC,  
President and Authorized Agent; Robert L. Mezzetti II, Attorney at Law

Under Negotiation: Terms and conditions of Lease Option Agreement

**9.2. Reconvened to Open Session at 9:34 p.m.**

**9.3. Closed Session Report**

Evelynn Tran, General Counsel, noted there was no reportable action taken during Closed Session.

**10. ADJOURNMENT**

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**On order Chairperson Chavez** and there being no objection, the meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Reyne Jimeno, Board Assistant  
VTA Office of the Board Secretary