

BOARD OF DIRECTORS MEETING

Thursday, December 3, 2020

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 Chavez at 5:30 p.m. via video and teleconference.

1.1. ROLL CALL

Attendee Name	Title	Status
Marie Blankley	Alternate Board Member	Present
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	N/A
Lan Diep	Board Member	Present
Susan Ellenberg	Alternate Board Member	N/A
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 following revised Agenda items: 1) **Agenda Item #2.1.**, Letter from Director Peralez; 2) **Agenda Item #3.1.**, Recognition for VTA Front Line Employees; 3) attachments for **Agenda Item #7.1.**, Conflict of Interest Code.

Chairperson Chavez noted staff's request to place the following Agenda items on the Consent Agenda: 1) **Regular Agenda Item #8.3.**, Contract Award for ADA Paratransit Eligibility Certification Services; and 2) **Regular Agenda Item #9.2.A.**, Board of Directors Meeting Schedule for Calendar Year 2021.

Chairperson Chavez also noted staff's request to hear **Agenda Item #8.7.**, Review Fiscal Year 2021 Statement of Revenue and Expenses Forecast, immediately after **Agenda Item #8.2.**, Fiscal Year 2021 Statement of Revenues and Expenses for the Period Ending September 30, 2020.

M/S/C (Carr/Carrasco) to accept the Orders of the Day.

RESULT:	ACCEPTED – Agenda Item #1.3
MOVER:	Larry Carr, Board Member
SECONDER:	Magdalena Carrasco, Board Member
AYES:	Carr, Carrasco, Chavez, Cortese, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
NOES:	None
ABSENT:	Diep

Board Member Diep joined the video
and teleconference meeting at 5:34 p.m.

2. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR CALENDAR YEAR 2021

2.1. Elect Board Chair and Vice Chairperson for 2021

Chairperson Chavez noted that Vice Chairperson Hendricks submitted a letter of interest. There were no other nominations from the floor.

Board Member Liccardo nominated Vice Chairperson Hendricks for Chairperson.

Public Comment

Roland Lebrun, Interested Citizen, expressed his support for Vice Chairperson Hendricks to be the Chairperson for 2021.

M/S/C (Liccardo/Jones) to close the nomination and elect Vice Chairperson Glenn Hendricks for Chairperson for calendar year 2021.

RESULT:	ELECTED 2021 CHAIRPERSON – Agenda Item #2.1
MOVER:	Sam Liccardo, Board Member
SECONDER:	Charles Jones, Board Member
AYES:	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
NOES:	None

Chairperson-elect Hendricks thanked Members of the Board for their support and for showing their trust and confidence in him.

Chairperson Chavez indicated that letters of interest for the position of Vice Chairperson were received from Board Member Chappie Jones and Board Member Raul Peralez.

Board Member Carrasco nominated Board Member Peralez for the position of Vice Chairperson.

Board Member Liccardo nominated Board Member Jones for the position of Vice Chairperson.

M/S/C (Carr/Liccardo) to close the nominations and conduct election for Vice Chairperson.

Chairperson Chavez noted the method of voting. During roll call vote, each member will be asked to name the nominee they vote for. The nominee who receives seven or more votes will be elected as vice chairperson.

Public Comment

The following Interested Citizens expressed their support for Board Member Peralez's nomination for Vice Chairperson:

- John Courtney
- Michael Rudometkin, ATU 265
- Monica Mallon
- Adina Jones
- Hoai-An Truong
- Scott Mace

Mr. Lebrun commended Board Member Jones' nomination for the position of Vice Chairperson.

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

Alternate Board Member O'Neill joined the video and teleconference
at 5:45 p.m.

The candidates for vice chairperson spoke briefly.

On a vote of 7 ayes to 5 noes, Member Jones was elected as Vice Chairperson for 2021. Board Members Carrasco, Chavez, Cortese, Peralez, and Rennie opposed.

RESULT:	ELECT CHARLES “CHAPPIE” JONES AS 2021 VICE CHAIRPERSON – Agenda Item #2.1
MOVER:	Larry Carr, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Carr, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez,
NOES:	Carrasco, Chavez, Cortese, Peralez, Rennie

3. AWARDS AND COMMENDATION

3.1. Recognition for VTA Frontline Employees

The Board of Directors commended staff for being the frontline workers here at VTA, keeping the rest of the staff safe from contamination.

3.2. Retirement Commendations

The Board of Directors recognized the following retirees for their public service with VTA: 1) Heidi Samuels, Deputy Director, Bus Transit Operations, 34 years; 2) Gregory Farias, Coach Operator, 22 years; and 3) Gregory Williams, Coach Operator, 13 years.

3.3. 2020 Outgoing Board Member Resolution

M/S/C (Hendricks/Liccardo) to adopt **Resolutions of Appreciation Nos. 2020.12.34 – 2020.12.42** for outgoing VTA Board Members: 1) Jeannie Bruins; 2) Larry Carr; 3) Dave Cortese; 4) Lan Diep; 5) Liz Kniss; 6) John McAlister; 7) Howard Miller; 8) Bob Nuñez; and 9) Teresa O'Neill.

Outgoing Board Members and outgoing Ex-Officio member spoke briefly.

4. PUBLIC COMMENT

Mr. Lebrun commented about the election for Chairperson and Vice Chairperson for 2021. He provided comments on the reporting of the BART Phase I project costs.

Blair Beekman, Interested Citizen, commented about the following: 1) military technology; and 2) Lockheed logo on VTA bus stop kiosk.

Cole Cameron, Interested Citizen, referenced **Agenda Item #8.8.**, Report on increasing current transit service to reduce pass-ups due to COVID-related restrictions, and **Agenda Item #9.1.A.**, Input from 2016 Measure B 10-Year Outlook Discussions and Next Steps, and commented about the much-needed transit service, discontinued bus routes, and about 2016 Measure B funding allocation.

Eugene Bradley, Interested Citizen, thanked Board Member Cortese for his comments about advocates addressing the Board. Mr. Bradley noted that he and others will continue to advocate for public transit services.

Monica Mallon, Interested Citizen, made the following comments: 1) thanked the outgoing Board members for listening to her comments; 2). noted she learned a lot about being a public transit advocate; and 3) wished the outgoing Board Members good luck, noting she hopes they continue to stay engaged in transportation.

5. PUBLIC HEARINGS

There were no Public Hearings.

6. COMMITTEE REPORTS

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

CAC Chairperson Schulter provided a report on the CAC meeting of November 10, 2020.

Chairperson Chavez noted she would follow up on filling the vacancies on the Committee.

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

PAC Chairperson Constantine provided a report on the PAC meeting of November 12, 2020.

6.3. Standing Committee Chairpersons' Report

Chairperson Chavez provided a report on the December 3, 2020, Governance and Audit Committee meeting.

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

6.4. Policy Advisory Board Chairpersons' Report

Chairperson Chavez noted the SR 85 Corridor and Diridon Station Joint Policy Advisory Board Chairpersons' Reports were available in the online agenda packet.

SR 85 Corridor PAB Chairperson McAlister provided a report on the November 16, 2020 meeting.

Public Comment

Mr. Beekman commented on the following: 1) budget cuts; 2) transit service and health issues; 3) open communication between VTA and the community.

7. CONSENT AGENDA

Board Member Liccardo recused himself on **Agenda Item #7.4.**, Closed Circuit Television and Buses Contract Award; and **Agenda Item #7.5.**, Amendment to Previously Authorized Exclusive Negotiations Agreement (ENA) for Proposed Cerone Transit-Oriented Development (TOD) Project.

Board Member Liccardo requested **Agenda Item #7.3.**, ACE Shuttle Service Contract, be removed from the Consent Agenda and placed on the Regular Agenda.

Public Comment

Mr. Lebrun commented on the audited Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2020.

Mr. Beekman referenced **Agenda Item #7.4.**, **Closed Circuit Television on Buses Contract Award**, and commented about the following: 1) informing the public about the procurement and installation of cameras for buses and its purpose; 2) updating VTA policies on technology; and 3) train station plan in the city of Fremont.

An Interested Citizen referenced **Agenda Item #8.3.**, Contract Award to ADA Paratransit Eligibility Certification Services, and spoke briefly about MTM, Inc. a non-emergency medical transportation (NEMT) broker, who expressed interest in bidding for this contract.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

<p>7.1. <u>2020 Amended Conflict of Interest Code, Designated Positions and Disclosure Categories</u></p>
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M/S/C (**Hendricks/Nuñez**) to adopt the amended Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and its Appendix of Designated Positions and Disclosure Categories and to submit the revised Conflict of Interest Code and the list of designated positions to the Santa Clara County Board of Supervisors for approval.

<p>7.2. <u>U.S. Bank Agreement with VTA for Commercial Credit Card Services</u></p>
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M/S/C (**Hendricks/Nuñez**) to authorize the General Manager to execute a new Agreement with U.S. Bank National Association, a Delaware Corporation “U.S. Bank” for Commercial Credit Card Services for a term not to exceed seven (7) years, which includes a base term of five (5) years with an option to extend the Agreement an additional two (2) years.

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

Authorize the General Manager to amend the agreement with El Paseo Limousine (El Paseo) for the Altamont Commuter Express (ACE) Shuttle Program, extending the agreement two years through December 31, 2022 for an amount not to exceed \$3,850,000.

7.4. Closed Circuit Television on Buses Contract Award

M/S/C (Hendricks/Nuñez) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute a contract with March Networks in an amount not to exceed \$4,825,500 for the procurement and installation of mobile Closed-Circuit Television (CCTV) systems in 267 VTA buses and up to five years of managed services for the entire active bus fleet. Board Member Liccardo refused.

7.5. Amendment to Previously Authorized Exclusive Negotiations Agreement (ENA) for Proposed Cerone Transit-Oriented Development (TOD) Project

M/S/C (Hendricks/Nuñez) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to amend the prior Board of Directors authorization of an Exclusive Negotiations Agreement (ENA) with Lincoln Property Company West (LPC West) for the Cerone TOD site to provide a longer term of 12 months with two separate 12-month extensions, for a total potential maximum ENA term of 36 months. Board Member Liccardo refused.

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

7.6. Programmed Project Monitoring - Quarterly Report

M/S/C (Hendricks/Nuñez) to receive the Programmed Project Monitoring - Quarterly Report for July – September 2020.

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

7.7. VTA's Zero-Emission Bus Rollout Plan

M/S/C (Hendricks/Nuñez) to adopt VTA's Bus Rollout Plan to comply with California Air Resources Board's Innovative Clean Transit Regulation.

7.8. VTA's BART Silicon Valley Rapid Transit (SVRT) Phase I Extension – Operations and Maintenance Program Update

M/S/C (Hendricks/Nuñez) to receive VTA's BART Silicon Valley Rapid Transit (SVRT) Phase I Extension – Operations and Maintenance Program Update.

7.9. Downtown San Jose Light Rail Safety Enhancements Pilot Project Results

M/S/C (Hendricks/Nuñez) to receive information on the evaluation of the Downtown San Jose Light Rail Safety Enhancements Pilot.

GOVERNANCE & AUDIT (G&A) COMMITTEE

7.10. Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for Amalgamated Transit Union (ATU) Pension Plan, and Retirees' Other Post Employment Benefits (OPEB) for Fiscal Year 2020

M/S/C (Hendricks/Nuñez) to review and receive the audited Comprehensive Annual Financial Report (CAFR) for VTA, and the Financial Reports for Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post Employment Benefits (OPEB) Trust (both referred to as Trusts) for Fiscal Year 2020.

7.11. Amendments to the VTA Administrative Code

M/S/C (Hendricks/Nuñez) to adopt **Resolution No. 2020.12.42** approving amendment of the VTA Administrative Code, including to implement several recommendations from the Board Governance Enhancement process.

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7.12. Regular Meeting Minutes of November 5, 2020

M/S/C (Hendricks/Nuñez) to approve the Regular Meeting Minutes of November 5, 2020.

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

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

8.3. Contract Award for ADA Paratransit Eligibility Certification Services

M/S/C (Hendricks/Nuñez) to authorize the General Manager to execute a three-year contract with Transdev Services, Inc. dba Transdev Mobility Solutions in the amount of \$2,978,585 to provide ADA Paratransit Eligibility Certification Services with four (4) optional extension years bringing the overall contract value to \$7,281,256 operating under Model A.

9.2.A. Input from 2016 Measure B 10-Year Outlook Discussions and Next Steps

M/S/C (Hendricks/Nuñez) to approve the VTA Board of Directors Meeting Schedule for calendar year 2021.

RESULT:	APPROVED – Agenda Items #7.1-7.2.; #7.6-7.13, #8.3; #9.2.A.
MOVER:	Larry Carr, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Carr, Carrasco, Chavez, Cortese Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
NOES:	None
ABSENT:	None

RESULT:	APPROVED – Agenda Items #7.4. -7.5
MOVER:	Glenn Hendricks, Board Member
SECONDER:	Bob Nuñez, Board Member
AYES:	Carr, Carrasco, Chavez, Cortese Diep, Hendricks, Jones, McAlister, Nuñez, Peralez, Rennie
NOES:	None
RECUSED:	Liccardo
ABSENT:	None

8. REGULAR AGENDA

7.3. ACE Shuttle Service Contract

Upon inquiry of Board Member Liccardo, Andrew Burke, Regional Transportation Services Manager, explained that Altamont Corridor Express (ACE) Shuttles have higher rider capacity to provide convenient connections to major employment sites in Santa Clara County. He noted that the ACE shuttle service is funded by the Bay Area Air Quality Management District (BAAQMD).

M/S/C (Liccardo/Hendricks) to authorize the General Manager to amend the agreement with El Paseo Limousine (El Paseo) for the Altamont Commuter Express (ACE) Shuttle Program, extending the agreement two years through December 31, 2022 for an amount not to exceed \$3,850,000.

RESULT:	APPROVED – Agenda Item #7.3
MOVER:	Sam Liccardo, Board Member
SECONDER:	Glenn Hendricks, Vice Chairperson
AYES:	Carr, Carrasco, Chavez, Cortese Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
NOES:	None
ABSENT:	None

8.1. Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, BART Silicon Valley Extension Project Chief, provided a presentation entitled VTA's BART Silicon Valley Phase II Extension Project.

Chairperson Chavez left her seat at 6:58 p.m. Vice Chairperson Hendricks presided over the meeting.

Public Comment

Mr. Lebrun commented on the BART Phase I and Phase II fund allocation from Measure B funding.

Board Member Liccardo thanked Mr. Salpeas and Nuria I. Fernandez, General Manager/CEO, for the presentation and for receiving Federal Transit Administration (FTA) approval to submit the Expedited Project Delivery (EPD) application for funding.

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

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

8.2 Fiscal Year 2021 Statement of Revenues and Expenses for the Period Ending September 30, 2020

Franklin Wong, Deputy Director of Finance, Budget & Program Management, provided a presentation on Fiscal Year 2021 Statement of Revenues and Expenses for the Period Ending September 30, 2020.

Public Comment

Mr. Lebrun commented about the Coronavirus Aid, Relief, and Economic Security (CARES) Act summary of expenses as presented in the previous meeting. Mr. Lebrun further commented the CARES Act fund would essentially last until the end of 2021.

Mr. Beekman supported Mr. Lebrun's comment on the CARES Act funding. Mr. Beekman commented on the following: 1) budget issues; and 2) transparency.

M/S/C (Liccardo/Carr) to review and accept the Fiscal Year 2021 Statement of Revenues and Expenses for the period ending September 30, 2020.

RESULT: APPROVED – Agenda Item #8.2
MOVER: Sam Liccardo, Board Member
SECONDER: Larry Carr, Board Member
AYES: Carr, Carrasco, Chavez, Cortese Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
NOES: None
ABSENT: None

Chairperson Chavez returned to her seat at 7:13 p.m.
and presided over the meeting.

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

Authorize the General Manager to execute a three-year contract with Transdev Services, Inc. dba Transdev Mobility Solutions in the amount of \$2,978,585 to provide ADA Paratransit Eligibility Certification Services with four (4) optional extension years bringing the overall contract value to \$7,281,256 operating under Model A.

The Agenda was taken out of order.

8.7. Review Fiscal Year 2021 Statement of Revenue and Expenses Forecast

Mr. Wong provided a brief presentation on Fiscal Year 2021 Statement of Revenue and Expenses Forecast.

Board Member Liccardo thanked staff for their hard work in keeping finances manageable until the end of year 2021.

On order of Chairperson Chavez and there being no objection, the Board of Directors reviewed the Fiscal Year 2021 Statement of Revenue and Expenses Forecast.

**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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8.4 Selection of a Developer for Curtner Transit-Oriented Development Negotiations

Ron Golem, Director of Real Estate & Transit Oriented Development (TOD), and Josselyn Hazen, Associate Real Estate Agent, provided a presentation on Selection of a Developer for Curtner Transit-Oriented Development Negotiations.

Board Members Cortese, Liccardo, and Diep indicated they will recuse on this item citing Government Code Section 84308.

Public Comment

Ted McMahon, Bay View Development, spoke briefly.

Linda Mandolini, Bay View Development, spoke briefly.

Michael R. Van Every, Republic Urban Properties, spoke briefly.

Mr. Lebrun made the following comments: 1) expressed his agreement with the staff recommendation; and commented that affordable housing is appropriate for the area and would generate higher ridership.

Nanci Klein, Interested Citizen, commented that the City of San Jose is committed to affordable housing.

Members of the Board commented and discussed the following: 1) alternate action by the Board if the staff recommendation is not the primary direction; 2) maximize utilization of parking onsite; 3) land use and transit plan destination to serve range of riders; 4) risk factor in terms of revenue source for either VTA or potential partner; 5) tools used to gather data and information should be beneficial to VTA, riders, and revenue; 6) option to conduct Request for Proposal (RFP).

M/S/F (Perez/Carrasco) on votes of 3 ayes, 6 noes, and 3 recusals to authorize the General Manager to enter into an Exclusive Negotiations Agreement (ENA) with Republic Urban Properties and Charities Housing for a term of twelve (12) months with a six (6) month extension for negotiation of the proposed terms and conditions of a Lease Option Agreement (LOA) for a Transit-Oriented Development project at the Curtner property. Board Members Carr, Jones, McAlister, Rennie, and Hendricks opposed. Board Members Cortese, Diep and Liccardo recused.

NOTE: M/S/F MEANS MOTION SECOND AND FAILED.

RESULT:	FAILED – Agenda Item #8.4 - ENA with Republic Urban Properties and Charities Housing
MOVER:	Raul Perez, Board Member
SECONDER:	Magdalena Carrasco, Board Member
AYES:	Carrasco, Nuñez, Perez
RECUSE:	Cortese, Diep, Liccardo
NOES:	Carr, Chavez, Jones, McAlister, Rennie, Hendricks
ABSENT:	None

M/S/C (Hendricks/Jones) on a vote of 9 ayes to 0 noes to 3 recusals to approve to authorize the General Manager to enter into an Exclusive Negotiations Agreement (ENA) with Bayview Development Group and Civil & Building North America, Inc. for a term of twelve (12) months with a six (6) month extension for negotiation of the proposed terms and conditions of a Lease Option Agreement (LOA) for a Transit-Oriented Development project at the Curtner property. Board Members Cortese, Diep, and Liccardo recused.

Board Member Carr noted that the following criteria were included in the motion made by the Administration & Finance Committee, namely affordability, adequate parking for transit riders, attractive, and accessible station to all riders and not only to residents in the area.

Vice Chairperson Hendricks affirmed that the additional criteria be incorporated in the motion. Mr. Hendricks also suggested placing clear criteria as objectives to be incorporated in future RFPs on future projects.

RESULT:	APPROVED – Agenda Item #8.4 - ENA with Bayview Development Group and Civil & Building North America, Inc.
MOVER:	Hendricks, Vice Chairperson
SECONDER:	Chappie Jones, Board Member
AYES:	Carr, Carrasco, Chavez, Hendricks, Jones, McAlister, Nuñez, Perez, Rennie
RECUSE:	Cortese, Diep, Liccardo
NOES:	None
ABSENT:	None

8.5. Ninth Amendment to Employment Contract for General Manager Nuria I. Fernandez

M/S/C (Hendricks/Nuñez) to approve the Ninth Amendment to the employment contract between Santa Clara Valley Transportation Authority (VTA) and General Manager/CEO Nuria I. Fernandez. This amendment defers salary increase and exercises the optional two-year extension of her employment contract through December 15, 2023.

RESULT:	APPROVED – Agenda Item #8.5
MOVER:	Hendricks, Vice Chairperson
SECONDER:	Bob Nuñez, Board Member
AYES:	Carr, Carrasco, Chavez, Diep, Hendricks, Jones Liccardo, McAlister, Nuñez, Peralez, Rennie
NOES:	None
ABSENT:	Cortese

8.6. Approve modifications to the employment contract with VTA General Counsel

M/S/C (**Hendricks/Jones**) to approve the Second Amendment to the employment contract between Santa Clara Valley Transportation Authority (VTA) and General Counsel Evelyn Tran. The amendment provides for a 3% increase in salary.

RESULT:	APPROVED – Agenda Item #8.6
MOVER:	Hendricks, Vice Chairperson
SECONDER:	Chappie Jones, Board Member
AYES:	Carr, Carrasco, Chavez, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
NOES:	None
ABSENT:	Cortese

8.8. Report on Increasing Current Transit Service to Reduce Pass-ups Due to COVID-related Restrictions.

Jay Tyree, Transportation Planning Manager- Service Planning, provided a brief presentation entitled Revised Covid-19 Service.

Chairperson Chavez left her seat at 8:30 p.m. and Vice Chairperson Hendricks presided over the meeting.

Vice Chairperson Hendricks noted his appreciation to staff for addressing the crisis on passed up riders.

Public Comments

Mr. Lebrun expressed support for Vice Chairperson Hendricks' comment. Mr. Lebrun commented about the following: 1) additional \$121 million stimulus CARES Act funding for needed transit service; 2) updates from the State Safety Oversight Audit (SSOA) by the FTA.

Mr. Beekman made the following comments: 1) expressed his thanks for the additional transit service for the pass-up riders; and 2) commented about East Bay Community Energy (EBCE) and Caltrain as examples of good budget practices and funding ideas for other programs.

Priscilla Acuña-Mena, Interested Citizen, urged the Board of Directors to prioritize transit service to reduce pass-ups, noting riders rely on public transit to get to their destinations.

Ms. Mallon expressed appreciation for the additional transit service to serve passed-up riders.

Eugene Bradley, Interested Citizen, commented on the additional bus service and frequency, noting workers can get to their jobs without missing trips or reporting late for work.

Vice Chairperson Hendricks reiterated his appreciation to staff and drivers for addressing the challenges and providing solutions to improve service to the customers.

On order of Vice Chairperson Hendricks and there being no objection, the Board of Directors received the report on increasing current transit service to reduce pass-ups due to COVID-related restrictions.

9. OTHER ITEMS

9.1. General Manager Report

Ms. Fernandez thanked the Board Members for their vote of confidence and approval of her contract. Ms. Fernandez also thanked the Board Members and advisory committee members for keeping VTA focused in delivering essential service to frontline and essential workers and first responders during the lockdown and pandemic period.

Ms. Fernandez provided a year-end report on the following: 1) essential personnel service were available to provide service to the public; 2) activated the Emergency Operations Center during the lockdown and required executive management to take a refresher course on emergency response; 3) ridership; 4) \$6 million revenue over the budget; 5) roll out of the New Transit Service Plan; 6) completed the SR 237 Express Lanes project; 7) completed the Matilda Interchange project; 8) \$141 million stimulus assistance from CARES Act fund bridged the gap between lost revenue and increase in pandemic-related expenses through fiscal year 2021; 9) delivered Measure B funding to cities for rebuilding of local roads and streets and Education and Encouragement programs on bicycles and pedestrians safety; 10) conducted Customer Attitude Survey of which results will be available in a few weeks; 11) will develop a business plan for the future of the transportation network as a whole.

Ms. Fernandez noted the following: 1) VTA raised \$20,000 in donations for the Second Harvest Food Bank; 2) provided a link to the map of voting centers for riders' reference; and 3) increase in ridership during the election day.

9.1.A. Input from 2016 Measure B 10-Year Outlook Discussions and Next Steps

Ms. Fernandez provided a presentation on Input from 2016 Measure B 10-Year Outlook Discussions and Next Steps.

Chairperson Chavez returned to her seat at 9:04 p.m.
and presided over the meeting.

Public Comment

Reyne Jimeno, Board Assistant, noted that a letter from the Town of Los Gatos was received and would be posted in the online agenda packet after the meeting.

Mr. Bradley thanked Ms. Fernandez for leading the agency to stay afloat during this challenging time. Mr. Bradley expressed his concern on the following: 1) 10-year projection of allocated funds to BART Phase II; and 2) decrease in bus and express bus service contrary to what was promised in the 2016 Measure B ballot.

Mr. Beekman commented on the following: 1) future of downtown San Jose Diridon station; and 2) reducing funds for BART Phase II project.

Mr. Lebrun thanked Ms. Fernandez for the success of the Envision Silicon Valley. Mr. Lebrun commented on 2000 Measure A funding for the BART Phase I project and suggested installing double track extension from City of Santa Clara to Alviso.

Mr. Scott Mace agreed with Mr. Bradley and Mr. Beekman's concern about decrease in bus service. Mr. Mace urged signal prioritization across VTA transit service area.

Members of the Board and staff discussed the following: 1) projection of funds and cashflow for BART Phase II project compared to the funds for other projects listed on the Draft Ten-year vision chart; 2) Technical Advisory Committee's (TAC's) role to gather data and provide input as basis for forecasting fund allocations; 3) sales tax revenue; 4) agreed upon policy, framework, and criteria in distributing funds.

Board Member Liccardo expressed his gratitude and appreciation of Ms. Fernandez's leadership and for deferring an increase in pay.

9.1.B. Government Affairs Update

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

Ms. Fernandez also noted that the security statistics and the preliminary ridership information were in the online agenda packet.

9.2. Chairperson's Report

Chairperson Chavez provided an update on the Section 218 Agreement with the Social Security Administration.

Chairperson Chavez expressed her thanks and appreciation to the Board and staff for their support and for working collaboratively with her.

9.2.A. (Removed from Other Items and placed on the Consent Agenda.)

Approve the VTA Board of Directors Meeting Schedule for calendar year 2021.

9.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Board Member McAlister noted his appreciation to SR 85 Corridor PAB Members Bruins, Klein, Landry, Leuthold, Miller, and Sinks for their contributions on the SR 85 Corridor Policy Advisory Board Report.

Vice Chairperson Hendricks expressed his appreciation to Chairperson Chavez for her work as chairperson of the Board this year and for including him in most of her functions as chairperson preparing for his new role as chairperson in 2021. Vice Chairperson Hendricks noted that he would do the same for the incoming vice chairperson.

9.4. Announcements

There were no Announcements.

10. CLOSED SESSION

10.1. Recessed to Closed Session at 9:33 p.m.

A. Conference with Legal Counsel - Anticipated Litigation Significant Exposure to Litigation

[Government Code Section 54956.9(d)(2)]

Number of cases: 1 -Workers' Compensation claim of Audrey Lopez

B. Conference with Legal Counsel - Existing Litigation

[Government Code Section 54956.9(d)(1)]

Name of Case: Sharks Sports & Entertainment, LLC v. Santa Clara Valley Transportation Authority, et al. (Santa Clara County Superior Court Case No. 18-CV-327687)

10.2. Reconvened to Open Session at 9:51 p.m.

10.3. Closed Session Report

A. Conference with Legal Counsel - Anticipated Litigation Significant Exposure to Litigation

[Government Code Section 54956.9(d)(2)]

Number of cases: 1 -Workers' Compensation claim of Audrey Lopez

Evelynn Tran, General Counsel, noted 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: Sharks Sports & Entertainment, LLC v. Santa Clara Valley Transportation Authority, et al. (Santa Clara County Superior Court Case No. 18-CV-327687)

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

10. ADJOURNMENT

On order of Chairperson Chavez and there being no objection, the meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Reyne Jimeno, Board Assistant
VTA Office of the Board Secretary