

## BOARD OF DIRECTORS MEETING

Thursday, June 19, 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 9:01 a.m. via video and teleconference.

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Marie Blankley	Alternate Board Member	N/A
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	N/A
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 Perez	Board Member	Present
Rob Rennie	Board Member	N/A

\* Alternates do not serve unless participating as a Member.

**A quorum was present.**

##### 1.2. Pledge of Allegiance

The Pledge of Allegiance commenced.

Board Members Perez and Liccardo joined the meeting at 9:02 a.m.

**1.3 Orders of the Day**

There were no Orders of the Day.

Board Member Cortese joined the meeting at 9:03 a.m.

**2. AWARDS AND COMMENDATION**

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There were no Awards and Commendations.

**3. PUBLIC COMMENT**

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Roland, Interested Citizen, commented about the following: 1) his letter that called for resignation of two VTA employees; 2) 2000 Measure A Auditor; 3) the need for VTA arranging a state audit; and 4) meeting video archival.

MOC, Interested Citizen, commented about the following: 1) security and safety; 2) the enforcing face covering on transit; and 3) the availability of the Board Members' contact information.

Beekman, Interested Citizen, commented about the following: 1) transit connections across the region; 2) housing; and 3) changing the public speaking time to 90 seconds.

Board Member Carrasco joined the meeting at 9:09 a.m.

Chairperson Chavez requested that all e-mails for the Board Members be made available on the VTA website.

**4. PUBLIC HEARINGS**

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There were no Public Hearings.

**5. COMMITTEE REPORTS**

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There were no Committee Reports.

**6. CONSENT AGENDA**

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Roland referenced **Agenda Item #6.1.**, US 101/Blossom Hill Road Interchange Improvement – Construction Contract Award, and commented about the following: 1) support for the contract; and 2) funding for the contract.

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**6.1. US 101/Blossom Hill Road Interchange Improvement – Construction Contract Award**

M/S/C (Liccardo/Nunez) to authorize the General Manager to execute a contract with O.C. Jones & Sons, Inc., the lowest responsive and responsible bidder, in an amount of \$28,578,885.50 for the construction of the US 101/Blossom Hill Road Interchange Improvement Project.

<b>RESULT:</b>	<b>APPROVED – Consent Agenda, Item #6.1</b>
<b>MOVER:</b>	Liccardo, Board Member
<b>SECONDER:</b>	Nunez, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Miller, Nunez, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	None

**7. REGULAR AGENDA**

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**7.1 Contract Award for VTA Auditor General/Internal Audit Services**

Stephen Flynn, Senior Policy Analyst, introduced Scott Johnson, Macias Gini & O’Connell LLP (MGO). They provided an overview of the staff report.

**Public Comment**

Roland commented about the following: 1) MGO being the Auditor General for 2000 Measure A Citizens Watchdog Committee; 2) the budget and delayed project schedule for the Bay Area Rapid Transit (BART) Phase I; and 3) suggested awarding the contract to Crowe LLP.

Members of the Board discussed the following: 1) all proposers were very capable of the job; 2) MGO brings quality skills and knowledge of the area with local resources; 3) the role of the Auditor General; 4) performance report details; 5) how deep is the oversight into VTA; 5) risk assessments and analysis; 6) heat map process; and 7) the Governance and Audit (G&A) Committee oversees the Auditor General.

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

**M/S/C (Hendricks/Carr)** to award a task order contract to Macias Gini & O’Connell LLP for VTA Auditor General and internal audit services. The base term of the contract is four (4) years (through June 30, 2024) for an amount not to exceed \$2,200,000 (\$550,000 per year average). In addition, the contract includes three (3) optional one (1) year contract extensions for an amount not to exceed \$584,000 per year; execution of each optional one (1) year extension is subject to approval by the Governance & Audit Committee. The maximum value of the contract, if all extensions are exercised, is \$3,952,000 for the maximum seven (7) year period.

<b>RESULT:</b>	<b>APPROVED –Agenda Item #7.1</b>
<b>MOVER:</b>	Hendricks, Vice Chairperson
<b>SECONDER:</b>	Carr, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Miller, Nunez, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	None

**7.2      Approval of VTA’s Public Transportation Agency Safety Plan (PTASP)**

Angelique Gaeta, Chief of System Safety & Security, and Susan Lucero, Transit Systems Safety Supervisor, provided a presentation entitled “Public Transportation Agency Safety Plan.”

**Public Comment**

Roland inquired why this item was not placed on the Consent Agenda.

Mr. Beekman commented about public policy as it relates to technology.

Ms. Fernandez noted the federal government requires the PTASP to be heard by the Board. Once approved, the PTASP will be submitted to the California Public Utilities Commission (CPUC).

**M/S/C (Hendricks/Jones)** to approve Santa Clara Valley Transportation Authority’s (VTA) Public Transportation Agency Safety Plan (PTASP) which documents VTA’s processes and activities related to the implementation of a Safety Management System (SMS), in compliance with Federal and State regulations.

<b>RESULT:</b>	<b>APPROVED –Agenda Item #7.2</b>
<b>MOVER:</b>	Hendricks, Vice Chairperson
<b>SECONDER:</b>	Jones, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Miller, Nunez, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	None

### **7.3     VTA's BART Extension to Santa Clara - FTA EPD Update**

Ms. Fernandez provided opening remarks about the Federal Transit Administration (FTA) Funding Application.

Takis Salpeas, BART Silicon Valley Extension Project Chief; Raj Srinath, Deputy General Manager/Chief Financial Officer; and Nathan Macek (AICP WSP) provided a presentation entitled VTA's BART Phase II Extension Project: FTA Funding Application Overview.

#### **Public Comment**

Roland commented about the following: 1) referenced the letter he sent to the Board regarding the Diridon project; 2) BART Phase I project costs; 3) funding for Phase II; 4) how to implement the project; and 5) various agencies that could assist with the project.

Liz Ames, BART Director, District 6, made the following comments: 1) thanked the Board for acknowledging the size of the platforms; 2) noted a single versus double bore constructability analysis should be conducted in order to be transparent and show a cost-effective design.

Eugene Bradley, Silicon Valley Transit Users, noted the following: 1) expressed support for the previous speakers comments; 2) budget for the BART project; 3) the possibility of future service cuts; 4) the need for a cost effective design to build BART to San Jose.

Adina Levin, Friends of Caltrain and TransBay Coalition, commented about the following: 1) project cost concerns; and 2) breaking up the project in segments to reduce risk and protect service from any future cuts.

Mr. Beekman commented about the following: 1) earthquakes; and 2) the design for BART the extension to San Jose.

Monica Mallon expressed concern about cost overruns which may lead to service cuts and bankruptcy.

Members of the Board and staff discussed the following: 1) project funding sources, clarifying the numbers of past and future projections; 2) what measures are in place

to ensure a strong timeline; 3) support for the design and alignment process; 4) soil conditions in the area; 5) the need to minimize confusion for the public and VTA's constituents about 2016 Measure B funds that are allocated to the project; 6) staff providing a tracking document for Phase II; 7) scheduling a workshop in the Fall around the finances and any funding sources for the project, specifically 2016 Measure B.

Ms. Fernandez concurred with the Board, noting in order to clarify any confusion by the Board and the public, it would be beneficial to convene a workshop in the Fall to discuss 2016 Measure B funds.

**On order of Chairperson Chavez** and there being no objection, the Board of Directors received a presentation on VTA's BART Extension to Santa Clara - Federal Transit Administration's Expedited Project Delivery Pilot Program.

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## **8. OTHER ITEMS**

### **8.1. General Manager Report**

Ms. Fernandez provided a report, highlighting that on June 12, 2020, VTA held the ribbon cutting ceremonies for officially beginning service at the BART Milpitas and Berryessa stations. Ms. Fernandez recognized and thanked the Members of Congress, Elected Officials and BART Officials for attending and speaking; and further thanked the youth and young adults for participating and sharing pictures of how they feel about transportation.

Chairperson Chavez recognized and thanked former BART Board Members Tom Blalock and Dan Richard; and former San Jose Mayor Ron Gonzalez for their initial work to achieve bringing BART to San Jose.

- **COVID-19 Service Recovery and Restoration: Transit Usage and Attitude Survey results**

Ms. Fernandez shared VTA's efforts to keep riders and employees safe during the pandemic. Ms. Fernandez introduced Jaye Bailey, EEO and Civil Rights Manager.

Ms. Bailey introduced Ian Stewart, EMC Research, who provided a presentation entitled "VTA Transit Usage and Attitudes Survey: COVID-19 Service Recovery and Restoration."

### **Public Comment**

Mr. Beekman commented about the following: 1) providing ridership reports; and 2) best practices.

Roland commented about BART ridership.

Ms. Levin commented about the following: 1) thanked staff for the update on health and safety; 2) distribution of masks for riders; and 3) communication.

MOC commented about the need for VTA to enforce riders to adhere to the health and safety rules on the light rail.

Ms. Mallon commented about the following: 1) availability of masks; 2) mask dispensers; and 3) enforcing the “no mask no ride” rules.

Members of the Board made the following comments: 1) inquired about how the data will be used to make future decisions; and 2) requested staff bring back the report to a future Board meeting to see how VTA will continue using it moving forward.

Ms. Fernandez shared the following: 1) the different factors contributing to low ridership; 2) how the survey results/report will frame VTA’s marketing; and 3) new technology to help with disinfecting buses and trains. Ms. Fernandez noted VTA’s recovery plan has many steps and VTA is going to use this data to help drive decisions.

**8.2. Chairperson’s Report**

Chairperson Chavez made the following comments: 1) reported she is working on a Remote Work Committee that involves working with the local Colleges on how to line up Fall schedules with VTA’s routes; and 2) noted in order to reinforce the importance of VTA and to be in a better position with MTC; she will need feedback from Board Members for the MTC Blue Ribbon Commission that will determine what funding will be available.

Ms. Bruins noted she sits on the MTC Board and urged the Board to reach out to her and express any needs and concerns to help put VTA in a stronger position.

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

Chairperson Chavez referenced the letter she provided requesting that VTA explore options of micro-mobility as it relates to bikes and scooters to address first and last mile solutions.

**Public Comment**

Mr. Beekman commented about data collection and best practices.

Roland commented about the following: 1) 2000 Measure A Auditor; 2) VTA’s Administrative Code; and 3) Citizens Advisory Committee bylaws.

**8.4. Announcements**

There were no Announcements.

## **9. CLOSED SESSION**

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### **9.1. Recessed to Closed Session at 11:14 a.m.**

- A. Conference with Legal Counsel - Anticipated Litigation  
[Government Code Section 54956.9(d)(2)]  
  
Significant Exposure to Litigation  
  
No. of Potential Cases: multiple

### **9.2. Reconvened to Open Session at 11:47 a.m.**

- A. Conference with Legal Counsel - Anticipated Litigation  
[Government Code Section 54956.9(d)(2)]  
  
Significant Exposure to Litigation  
  
No. of Potential Cases: multiple

### **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 of Chairperson Chavez** and there being no objection, the meeting was adjourned at 11:48 a.m.

Respectfully submitted,

Theadora Abraham, Board Assistant  
VTA Office of the Board Secretary