

## BOARD OF DIRECTORS MEETING

Thursday, December 5, 2019

### 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 O'Neill at 5:00 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San José, California.

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Marie Blankley	Alternate Board Member	Absent
Larry Carr	Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Vice Chairperson	Present
David Cortese	Board Member	Present
Dev Davis	Alternate Board Member	Absent
Lan Diep	Board Member	Present
Susan Ellenberg	Alternate Board Member	Absent
Adrian Fine	Alternate Board Member	Absent
Glenn Hendricks	Alternate Board Member	Present
Charles "Chappie" Jones	Board Member	Present
Sam Liccardo	Board Member	Present
John McAlister	Board Member	Present
Howard Miller	Alternate Board Member	Present
Teresa O'Neill	Chairperson	Present
Raul Peralez	Board Member	Present
Rob Rennie	Board Member	Present
Rich Tran	Board Member	Present
Jeannie Bruins	Ex-Officio 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 O'Neill made the following comments: 1) referenced the Revised Agenda; and 2) noted that the Board will recess to Closed Session to discuss **Agenda Item #2.1.A**, General Counsel Performance Evaluation and **Agenda Item #2.1.A.X**, General Manager Performance Evaluation then return to Open Session.

Chairperson O'Neill requested the following changes to the order of the agenda: 1) move **Agenda Item #9.6**, Diridon Integrated Station Concept Plan Update from the Regular Agenda to the Consent Agenda; and 2) hear **Agenda Item #9.5**, Update from the Future of Transportation Board Workshop before **Agenda Item #9.2**, 2016 Measure B Innovative Transit Service Models Competitive Grant Program Draft Criteria.

Board Member Liccardo arrived and took his seat at 5:02 p.m.

**M/S/C (Rennie/Chavez)** to accept the Orders of the Day.

<b>RESULT:</b>	<b>ACCEPTED – Agenda Item #1.3</b>
<b>MOVER:</b>	Rob Rennie, Board Member
<b>SECONDER:</b>	Cindy Chavez, Vice Chairperson
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Jones, Liccardo, O'Neill, Peralez, Rennie, Tran
<b>NOES:</b>	None
<b>ABSENT:</b>	Diep, McAlister

## **2. CLOSED SESSION**

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### **2.1. Recessed to Closed Session at 5:03 p.m.**

Board Member McAlister arrived at 5:06 p.m. and entered Closed Session.

Board Member Diep arrived at 5:08 p.m. and entered Closed Session.

Ex-Officio Member Bruins arrived at 5:12 p.m. and entered Closed Session.

- A.** Public Employee Performance Evaluation (Deferred from the November 7, 2019 VTA Board of Directors' Meeting)  
[Government Code Section 54957]

Title: General Counsel

- A.X.** Public Employee Performance Evaluation  
[Government Code Section 54957]

Title: General Manager

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

**2.2. Reconvened to Open Session at 6:01 p.m.**

**2.3. Closed Session Report**

- A.** Public Employee Performance Evaluation (Deferred from the November 7, 2019 VTA Board of Directors' Meeting)  
[Government Code Section 54957]

Title: General Counsel

Chairperson O'Neill noted no reportable action was taken during Closed Session.

- A.X.** Public Employee Performance Evaluation  
[Government Code Section 54957]

Title: General Manager

Chairperson O'Neill noted no reportable action was taken during Closed Session.

**3. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR CALENDAR YEAR 2020**

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**3.1. 2020 Chair and Vice Chair Elections**

Chairperson O'Neill indicated a letter of interest was received from Vice Chairperson Cindy Chavez to serve as Chairperson for 2020. There were no other nominations from the floor.

**M/S (Jones/Carrasco)** to nominate Cindy Chavez for Chairperson for calendar year 2020.

**M/S/C (Cortese/Liccardo)** to close nominations for Chairperson for calendar year 2020.

**M/S/C (Jones/Carrasco)** to elect Cindy Chavez as Chairperson for calendar year 2020.

<b>RESULT:</b>	<b>ELECTED 2020 CHAIRPERSON – Agenda Item #3.1</b>
<b>MOVER:</b>	Charles Jones, Board Member
<b>SECONDER:</b>	Magdalena Carrasco, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, McAlister, O'Neill, Peralez, Rennie, Tran
<b>NOES:</b>	None

**NOTE: M/S MEANS MOTION SECONDED**

Chairperson O'Neill indicated letters of interest were received from Alternate Board Member Glenn Hendricks and Board Member Rob Rennie to serve as Vice Chairperson for 2020.

**M/S (Chavez/Carrasco)** to close nominations for Vice Chairperson for calendar year 2020.

**M/S (Perez/Rennie)** to approve the Slate of Nominees for Vice Chairperson for calendar year 2020.

The slate of candidates spoke briefly.

**Public Comment**

Daniel Huynh, Interested Citizen, expressed his support of Rob Rennie for Vice Chairperson.

Thom Mayer, Interested Citizen, expressed his support of Glenn Hendricks for Vice Chairperson.

An Interested Citizen noted her support of Rob Rennie for Vice Chairperson.

**On a vote of 8 ayes to 4 noes** Alternate Board Member Hendricks was elected as Vice Chairperson for 2020. Members Carr, McAlister, O'Neill and Rennie opposed.

<b>RESULT:</b>	<b>ELECT GLENN HENDRICKS AS 2020 VICE CHAIRPERSON– Agenda Item #3.1</b>
<b>MOTIONED:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDED:</b>	Chappie Jones, Board Member
<b>AYES:</b>	Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, Perez, Tran
<b>NOES:</b>	Carr, McAlister, O'Neill, Rennie

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**4. AWARDS AND COMMENDATION**

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The Board recognized Vance Gwinn, Transportation Field Supervisor, for 38 years of service. Mr. Gwinn was unable to attend.

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**5. PUBLIC COMMENT**

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Kevin Kitilla, Interested Citizen, spoke of his concern regarding the new service plan.

Blair Beekman, Interested Citizen, commented on VTA needing a new logo.

Board Member Cortese left his seat at 6:25 p.m.

The following Interested Citizens urged the Board to reallocate 2016 Measure B Funds and adopt a resolution declaring a climate emergency:

- Linda Sell
- Brian Ruiz
- Rachel Watsky
- Kathleen Wong
- Carolina Villa,
- John Zhao
- Tahoe Roe
- Daniel Huynh
- Hoai-An Truong
- Martina Keim
- Susan Butler Graham
- Cole Cameron
- Mimi Spreadbury
- Eugene Bradley
- Zoe Vulpe
- Jamie Minden
- Mia Gatt
- Monica Mallon
- Michael Hazelton
- Peter Fong
- Agnes Lin
- Silvia Bonilla
- Simon Oh
- Damon
- Michael Patrick
- Andrew Boone

Hoi Poon, Interested Citizen, commented on the following: 1) expressed support for VTA adopting a resolution declaring a climate emergency; and 2) collaborating with local businesses and organizations to solve transportation funding issues.

Board Member Cortese returned to his seat at 6:27 p.m.

Board Member Carrasco left her seat at 6:33 p.m.

Antonio Perez, Interested Citizen, commented on the discontinued bus routes 45, 62 and 71 from the foothills and the need for a bus on the east side of San Jose.

The following Interested Citizens commented on reallocating 2016 Measure B funds:

- Tim Menard
- Jessica Jenkins
- Ming-Hui Huang
- Adi Milshtien
- Rob Means

Mr. Mayer strongly supported an independently elected Board of Directors and reallocating 2016 Measure B funds.

Jonathan Erman, Interested Citizen, commented on the New Transit Service Plan and the lack of schedules being posted ahead of time.

Board Member Liccardo left his seat at 6:36 p.m.  
Board Member Carrasco returned to her seat at 6:37 p.m.

Scott Mace, Interested Citizen, commented on the following: 1) declaring a climate emergency; and 2) keeping the current bus service.

Thomas Tanner, Interested Citizen, commented on the following: 1) cancellation notices for Bus Route 121; 2) depreciating service levels; and 3) suggested using recently retired bus drivers as auxiliary service providers.

Roland LeBrun, Interested Citizen, commented on the chronic driver shortages, training program and employee reclassification.

Judy Purrington, Interested Citizen, commented on the following: 1) 2016 Measure B reallocation of funds; and 2) clean buses, elevators, platforms and bus stops.

Board Member Liccardo returned to his seat at 6:44 p.m.

Chloe Wang, Interested Citizen, spoke on the need for transportation for youth.

Board Member Liccardo and Ex-Officio Bruins left their seats at 7:01 p.m.

Ex-Officio Bruins returned to her seat at 7:09 p.m.

Board Members Cortese and Rennie left their seats at 7:13 p.m.

Board Members Cortese and Liccardo returned to their seats at 7:16 p.m.

Board Member Rennie returned to his seat at 7:18 p.m.

Board Member Diep left his seat at 7:18 p.m.

Board Member Jones left his seat at 7:23 p.m.

Board Member Carrasco left her seat at 7:28 p.m.

Vice Chairperson Chavez left her seat at 7:33 p.m.

Vice Chairperson Chavez returned to her seat at 7:35 p.m.

Board Members Carrasco and Jones returned to their seats at 7:36 p.m.

## **6. PUBLIC HEARINGS**

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There were no Public Hearings.

## **7. COMMITTEE REPORTS**

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

Martin Schuler, Citizens Advisory Committee (CAC) Chairperson, provided a report on the items discussed at the November 13, 2019, CAC meeting.

Board Member Diep returned to his seat at 7:39 p.m.

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

Alternate Board Member Hendricks, Policy Advisory Committee (PAC) Chairperson, provided a report on the items discussed at the November 14, 2019, PAC meeting.

**7.3. Standing Committee Chairpersons' Report**

The following Board Members provided Standing Committee reports on the items discussed at their respective meetings:

Chairperson Carr	Administration and Finance (A&F) Committee meeting on November 21, 2019
Chairperson Peralez	Congestion Management Program and Planning (CMPP) Committee meeting on November 21, 2019
Chairperson Liccardo	Capital Program Committee (CPC) meeting on November 22, 2019
Chairperson O'Neill	Governance and Audit (G&A) Committee meeting on December 5, 2019

**7.4. Policy Advisory Board Chairpersons' Report**

Chairperson Peralez provided a report on the items discussed at the November 15, 2019, Diridon Station Joint Policy Board meeting.

**7.5. Ad Hoc Board Enhancement Committee Chairperson's Report**

Chairperson McAlister provided a report on the items discussed at the November 18, 2019 Committee meeting.

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**8. CONSENT AGENDA**

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Chairperson O'Neill noted **Agenda Item #8.9**, Contract Amendment with the Sheriff's Office, and **Agenda Item #8.11**, Amendment of the Memorandum of Understanding for the Hwy 17 Express Service, were revised to include attachments related to Government Code Section 84308.

Evelynn Tran, General Counsel, referenced **Agenda Item #8.9**, Amendment of Sheriff's Office Contract with VTA, and noted Vice Chairperson Chavez and Board Member Cortese have non-interests in the contract and are not required to recuse themselves from this item.

**M/S/C (Chavez/Liccardo)** to add **Agenda Item #9.1**, Revised VTA Transit-Oriented Development Policy, except Appendix C - TOD Affordable Housing Policy, to the Consent Agenda and asked staff to modify Appendix C.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #9.1</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Sam Liccardo, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, McAlister, O'Neill, Peralez, Rennie, Tran
<b>NOES:</b>	None

Board Member Liccardo noted his recusal on the following Agenda Items: **Item #8.5:** IBI Joint Development On-Call Contract Amendment; **Item #8.6:** Placeworks Joint Development On-Call Contract Amendment; **Item #8.12:** On Call-Surveying and Mapping Services; **Item #8.13:** On-Call Systems Engineering Design Consultant Contract Services; **Item #8.14:** I-280/Winchester Boulevard Interchange Improvement – Contract Amendment #4; **Item #8.15:** Environmental Professional Services Contract for the BART Silicon Valley – Phase II Extension Project.

Board Member Rennie left his seat at 7:50 p.m.

Board Member Carrasco left her seat at 7:51 p.m.

Board Members Rennie and Carrasco returned to their seats at 7:54 p.m.

### **Public Comment**

Mr. Beekman commented on housing and paratransit.

Mr. Boone commented on the following: 1) 2016 Measure B allocations; 2) climate change; and 3) the VTA Congestion Management Program.

Vice Chairperson Chavez referred to **Agenda Item #8.4**, 2016 Measure B Program FY 2020 and FY 2021 Budget Modifications and requested that the Board review 2016 Measure B and VTA bus systems investments at a future meeting.

#### **8.1. Regular Meeting Minutes of November 7, 2019**

**M/S/C (Chavez/Carrasco)** to approve the Board of Directors Regular Meeting Minutes of November 7, 2019.

#### **8.2. Amendments to the VTA Administrative Code**

**M/S/C (Chavez/Carrasco)** to adopt Resolution No. 2019.12.33 amending the VTA Administrative Code.



**8.3. Fiscal Year 2020 Statement of Revenues and Expenses for the Period Ending September 30, 2019**

M/S/C (Chavez/Carrasco) to review and accept the Fiscal Year 2019 Statement of Revenues and Expenses for the period ending September 30, 2019.

**8.4. 2016 Measure B Program FY2020 and FY2021 Budget Modifications**

M/S/C (Chavez/Carrasco) to adopt the fiscal years 2020 and 2021 budget modifications for the Program of 2016 Measure B projects and programs.

**8.5. IBI Joint Development On-Call Contract Amendment**

M/S/C (Chavez/Carrasco) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute a contract amendment with IBI Group ("IBI") for an additional \$600,000 for a total contract amount of up to \$993,000 for access study assistance, architecture, design guideline manual preparation, and advisory services related to the Transit-Oriented Development (TOD) program. Board Member Luccardo refused.

**8.6. Placeworks Joint Development On-Call Contract Amendment**

M/S/C (Chavez/Carrasco) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute a contract amendment with Placeworks for an additional \$975,000 for a total contract amount of up to \$2,342,000 for planning, architecture, and development advisory services through 2020 related to the Transit-Oriented Development (TOD) program. Board Member Luccardo refused.

**8.7. 2019 CMP Document**

M/S/C (Chavez/Carrasco) to adopt the 2019 VTA Congestion Management Program (CMP).

**8.8. Lifeline Transportation Program-Program of Projects**

M/S/C (Chavez/Carrasco) to approve the Lifeline Transportation Program-Program of Projects; and adopt a required Resolution of Local Support MTC Lifeline Transportation Program, Resolution No. 2019.12.34.

**8.9. Amendment of Sheriff's Office Contract with VTA**

M/S/C (Chavez/Carrasco) to authorize the General Manager/CEO to execute a contract amendment to the existing contract with the County of Santa Clara - Office of the Sheriff to extend the term of the current contract for a period of three (3) months, from January 1, 2020 through March 31, 2020; and, to increase the approved contract amount by \$4,286,616 for a new total contract amount not to exceed \$78,687,358.

**8.10. New Transit Service Changes for Paratransit Customers**

**M/S/C (Chavez/Carrasco)** to authorize the General Manager to maintain the current Paratransit Service area and hours of operation; evaluate the impact of the New Transit Service Plan and return with a recommendation on service modifications.

**8.11. Highway 17 Consolidation Transit Service Amendment #9**

**M/S/C (Chavez/Carrasco)** to authorize the General Manager to execute the Ninth Amendment to the Memorandum of Understanding with Santa Cruz Metropolitan Transit District (METRO), San Joaquin Joint Powers Authority (SJJP), Capitol Corridor Joint Powers Authority (CCJPA) and Santa Clara Valley Transportation Authority (VTA) for a two-year extension up to \$775,000 which includes service and Wi-Fi costs for the Highway 17 Consolidated Transit Service.

**8.12. On Call-Surveying and Mapping Services**

**M/S/C (Chavez/Carrasco)** on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute On-Call Land Surveying and Mapping Services task-order contracts with the following firms: BKF Engineers, HMM Engineers, Mark Thomas & Company, Inc., Psomas, and R.E.Y. Engineers. The executed contracts would span a maximum of a five-year period plus two, one-year options for contract extensions and the total of all executed contracts would not exceed \$9 million. Board Member Liccardo refused.

**8.13. On-Call Systems Engineering Design Consultant Contract Services**

**M/S/C (Chavez/Carrasco)** on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to (1) extend the contract term an additional two years, for a total of seven years, through August 2023; and (2) increase the total maximum contract amount under the On-Call Systems Engineering Design Consultant Services contracts by \$10,000,000 to a total amount of \$20,000,000. Board Member Liccardo refused.

**8.14. I-280/Winchester Boulevard Interchange Improvement – Contract Amendment #4 (PA/ED Phase)**

**M/S/C (Chavez/Carrasco)** on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to negotiate and execute Contract Amendment No. 4 with Mark Thomas & Company to complete the Project Approval/Environmental Documentation phase in an amount of \$2,490,624 for a total contract amount of \$4,274,712.06 for the I-280/Winchester Boulevard Interchange Improvements Project. Board Member Liccardo refused.

**8.15. Environmental Professional Services Contract for the BART Silicon Valley – Phase II Extension Project**

M/S/C (Chavez/Carrasco) on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to execute a contract amendment with ICF International to increase the contract amount from \$3,750,000 to \$4,750,000 and extend the contract term to December 31, 2025 to conduct additional environmental analysis, if necessary, for VTA's six-mile, four-station BART Silicon Valley Phase II Extension Project. Board Member Liccardo recused.

**8.16. 2016 Measure B Program Update**

M/S/C (Chavez/Carrasco) to receive an update on 2016 Measure B Program activities.

**9.1. Revised VTA Transit-Oriented Development Policy**

M/S/C (Chavez/Carrasco) to adopt the updated VTA Transit Oriented Development (TOD) Policy, as the successor to the current VTA Joint Development Policy, except for Appendix C – TOD Affordable Housing Policy. The Board requested that Appendix C be sent back to staff for modifications.

**9.6. Diridon Integrated Station Concept Plan Update**

M/S/C (Chavez/Carrasco) to receive an update on the San Jose Diridon Integrated Station concept.

<b>RESULT:</b>	<b>APPROVED – Agenda Items #8.1 – 8.4, 8.7-8.11, 8.16, 9.1., 9.6</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Magdalena Carrasco, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, McAlister, O'Neill, Peralez, Rennie, Tran
<b>NOES:</b>	None

<b>RESULT:</b>	<b>APPROVED – Agenda Items #8.5-8.6, 8.12-8.15</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Magdalena Carrasco, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, McAlister, O'Neill, Peralez, Rennie, Tran
<b>NOES:</b>	None
<b>RECUSED:</b>	Liccardo

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**9. REGULAR AGENDA**

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

Adopt the updated VTA Transit Oriented Development (TOD) Policy, as the successor to the current VTA Joint Development Policy.

**The Agenda was taken out of order.**

**9.5. Update from the Future of Transportation Board Workshop**

Gary Miskell, Chief Information Officer, and Ruth Cox, Consultant, provided a presentation, entitled, “VTA Innovation Vision.”

Discussion ensued around blending the use of light rail to compliment other transit operations and extending the fixed track systems versus looking at next generation rubber tire vehicles.

**Public Comment**

Mr. Beekman commented on open public policy and technology use.

Board Member Peralez left his seat at 8:24 p.m.

Mr. Huynh commented on reallocating Measure B funds to save routes 65 and 81.

Ms. Mallon commented on utilizing existing vehicles and not waiting on innovative solutions.

Mr. Mace commented on congestion and innovative vehicles and provided a study from the University of Adelaide.

Mr. Boone commented on utilizing busses right now.

Mr. Bradley commented on using more busses now.

Mr. Lebrun commented on VTA utilizing incorrect technology.

Board Member Peralez returned to his seat at 8:37 p.m.

Board Member Diep left his seat at 8:20 p.m.

Discussion ensued on the following 1) innovation alongside of adding more busses to the roads; 2) encouraging ridership; 3) challenges of charging an entire electric fleet; 4) autonomous vehicles on set and on demand routes; 5) working with cities on signal preemption; 6) VTA and other governmental agencies setting policy standards encouraging employee ridership; 7) dedicated lanes and signal priority; and 8) sufficient numbers of transit operators being a nationwide issue.

Board Member Diep returned to his seat at 8:47 p.m.

Board Member Jones left his seat at 9:16 p.m.

Board Member Jones returned to his seat at 9:24 p.m.

Board Member Carrasco left her seat at 9:24p.

**On order of Chairperson O’Neill** and there being no objection, the Board received the update from VTA’s Innovative Program.

9.2. **2016 Measure B Innovative Transit Service Models Competitive Grant Program Draft Criteria**

Marcella Rensi, Deputy Director of Grants & Fund Allocation and Jane Shinn, Senior Transportation Planner, provided a presentation, entitled, “2016 Measure B Innovative Transit Service Models Competitive Grant Program Criteria.”

Discussion ensued regarding variations on point allocations. Board Members Peralez, Carr and McAlister reported on how their respective committees derived their suggested reallocation of points.

Board Member Carrasco returned to her seat at 9:28p.

**Public Comment**

Mr. Beekman commented on attendance at the TAC meeting.

**M/S/F (McAlister/Jones)** on a vote of 2 ayes, 10 noes, and 0 abstention to approve the staff recommended 2016 Measure B Innovative Transit Service Models Competitive Grant Program criteria. Board Members Carr, Carrasco, Cortese, Diep, Liccardo, Peralez, Rennie and Tran, Vice Chairperson Chavez, and Chairperson O’Neill opposed.

<b>RESULT:</b>	<b>FAILED – Agenda Item #9.2</b>
<b>MOVER:</b>	John McAlister, Board Member
<b>SECONDER:</b>	Charles Jones, Board Member
<b>AYES:</b>	Jones, McAlister
<b>NOES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Liccardo, O’Neill, Peralez, Rennie, Tran

**M/S/C (Peralez/Chavez)** to approve, as amended, the 2016 Measure B Innovative Transit Service Models Competitive Grant Program criteria. The Board approved the following points for each criterion:

<b>Criteria</b>	<b>Points</b>
1. Innovative Service/Business Model	20
2. First/Last Mile Connections	20
3. Serves Vulnerable/Transit-dependent Population	20
4. Affordable Service	10
5. Serves Underserved Market	10
6. Project Readiness	5
7. Non-2016 Measure B Contribution	10
8. Cost Effectiveness	15
<b>TOTAL</b>	<b>110</b>
<b>Minimum Required Points</b>	<b>75</b>

<b>RESULT:</b>	<b>APPROVED – Agenda Item #9.2</b>
<b>MOVER:</b>	Raul Perez, Board Member
<b>SECONDER:</b>	Cindy Chavez, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, McAlister, O'Neill, Perez, Rennie, Tran
<b>NOES:</b>	None

**9.3.     Modifications to Employment Contract with VTA General Manager/CEO**

M/S/C (Chavez/Carrasco) to approve the Eighth Amendment to the employment contract between Santa Clara Valley Transportation Authority (VTA) and General Manager/CEO Nuria I. Fernandez. The amendment provides for an additional 10 days of vacation leave in lieu of a salary increase.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #9.3</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Magdalena Carrasco, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, McAlister, O'Neill, Perez, Rennie, Tran
<b>NOES:</b>	None

**9.4.     Modifications to Employment Contract with VTA General Counsel**

M/S/C (Chavez/Carr) to approve the modifications to the General Counsel's employment agreement as follows: 1) annual salary of \$253,000; 2) fully fund deferred compensation; and 3) change additional vacation days from five (5) days to 10 days.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #9.4</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Larry Carr, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, McAlister, O'Neill, Perez, Rennie, Tran
<b>NOES:</b>	None

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

Receive an update on the San Jose Diridon Integrated Station Concept Plan.

## 10. OTHER ITEMS

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### 10.1. General Manager Report

Nuria I. Fernandez, General Manager/CEO, provided thanked VTA employees and the Board of Directors for their efforts and support during 2019. Ms. Fernandez briefly discussed the successes achieved in 2019.

In 2020 VTA will focus on: 1) delivering an enhanced customer service experience; 2) developing Mobility for Action Plan and next steps for technology; 3) workforce development; and 4) safety and security.

Vice Chairperson Chavez left her seat at 9:56 p.m.

Vice Chairperson Chavez returned to her seat at 10:05 a.m.

Jay Tyree, Transportation Planning Manager, provided a presentation entitled “New Transit Service Plan: Implementation Status Update.”

Board Members made the following requests: 1) keep notices up through end of February to target San Jose State students; and 2) use this as a teachable moment as there is a tradeoff while some service may be lost, VTA can cast a wider net and provide more service to more people.

#### 10.1.A. Government Affairs Update

Ms. Fernandez noted that the Government Affairs Update was in the Board Members’ reading folders and public binder.

#### 10.1.B. Silicon Valley Rapid Transit (SVRT) Program Update

Dennis Ratcliffe, Deputy Director, SVRT/BART Capital Program and Jorge Martinez, SVBX Project Manager, Bechtel, provided a presentation entitled “BART Silicon Valley Program Update.”

Board Member Rennie left his seat at 10:18 p.m.

Board Member Rennie returned to his seat at 10:22p.m.

Members of the Board discussed the following: 1) communication issues between BART and VTA; 2) lessons learned written document at close out of Phase I; 3) scheduling a joint meeting with BART to get a good understanding of the worst case scenario date; 4) less than \$1 million in increased cost due to the delay; and 5) long lead procurement.

Board Member Cortese left his seat at 10:31 p.m.

Board Member Cortese returned to his seat at 10:37 p.m.

Board Members Liccardo and McAlister left their seat at 10:54 p.m.

Board Member Rennie left his seat at 11:01 p.m.

Board Member Liccardo returned to his seat at 11:07 p.m.

**Public Comment**

Alternate Board Member Hendricks asked if VTA can provide a Gantt chart showing the project schedule, project elements critical to revenue service, and project elements not critical for revenue service.

Board Members McAlister and Rennie returned to their seats at 11:09 p.m.  
Board Member Carr left his seat at 11:09 p.m.

Mr. Beekman commented on security, drivers and personal protective equipment.

Mr. Lebrun commented on Bus Line 181.

**10.2. Chairperson's Report**

There was no Chairperson report.

**10.2.A. Proposed 2020 Board of Directors Meeting Schedule**

**M/S/C (Rennie/Carr)** to approve the meeting schedule for 2020.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #10.2.A</b>
<b>MOVER:</b>	Rob Rennie, Board Member
<b>SECONDER:</b>	Larry Carr, Board Member
<b>AYES:</b>	Carr, Carrasco, Chavez, Cortese, Diep, Jones, Liccardo, McAlister, O'Neill, Peralez, Rennie, Tran
<b>NOES:</b>	None

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

Board Member Cortese suggested adding to the next agenda a climate restoration resolution discussion. Board Member Rennie expressed support for Board Member Cortese's request and asked staff to think about possible steps for change.

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

**Public Comment**

Mr. Beekman commented on data collection control.

**10.4.A. VTA Standing Committees**

- Capital Program Committee – The November 22, 2019, Minutes were accepted as contained on the dais.



- Governance and Audit (G&A) Committee – The November 7, 2019, Minutes were accepted as contained in the Agenda Packet.
- Congestion Management Program & Planning (CMPP) Committee – The November 21, 2019, Minutes were accepted as contained in the Agenda Packet.
- Administration & Finance (A&F) Committee – The November 21, 2019, Minutes were accepted as contained in the Agenda Packet.
- Safety, Security, and Transit Planning & Operations (SSTP&O) Committee - The November 22, 2019, Minutes were accepted as contained in the Agenda Packet.

**10.4.B. VTA Advisory Committees**

- Technical Advisory Committee (TAC) – The November 13, 2019, Minutes were accepted as contained in the Agenda Packet.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – The November 13, 2019, Minutes were accepted as contained in the Agenda Packet.
- Bicycle and Pedestrian Advisory Committee (BPAC) - The November 13, 2019, Minutes were accepted as contained in the Agenda Packet.
- Committee for Transportation Mobility and Accessibility (CTMA) - The November 14, 2019, Minutes were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) - The November 14, 2019, Minutes were accepted as contained in the Agenda Packet.

**10.4.C. VTA Policy Advisory Boards (PAB)**

- Eastridge to BART Regional Connector PAB (formerly Downtown East Valley PAB) - There was no report.
- State Route 85 Corridor PAB - There was no report.
- Diridon Station Joint Policy Advisory Board - The November 15, 2019, Minutes were accepted as contained in the Agenda Packet.

**10.4.D. Joint and Regional Commissions**

- Caltrain Peninsula Corridor Joint Powers Board – The December 5, 2019 Summary Notes were accepted as contained on the dais.
- Capitol Corridor Joint Powers Authority - There was no report.
- Dumbarton Rail Corridor Policy Committee - There was no report.
- Metropolitan Transportation Commission (MTC) - There was no report.
- Sunol Smart Carpool Lane Joint Powers Authority - There was no report.
- Sunol SR 152 Mobility Partnership - There was no report.

**10.5. Announcements**

Board Member McAlister announced his attendance at the California Transit Association Conference earlier this month.

Board Member Cortese left his seat at 11:18 p.m.

**2. CLOSED SESSION (CONTINUED)**

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**2.1. Recessed to Closed Session at 11:18 p.m.**

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

No. of Potential Cases: multiple

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

No. of Potential Cases: 3 (plus other similarly situated)

**2.2. Reconvened to Open Session at 12:09 a.m.**

**2.3. Closed Session Report**

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

No. of Potential Cases: multiple

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

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

No. of Potential Cases: 3 (plus others similarly situated)

Chairperson O'Neill noted no reportable action was taken during Closed Session.

## **11. ADJOURNMENT**

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**On order of Chairperson O'Neill** and there being no objection, the meeting was adjourned at 12:09 a.m.

Respectfully submitted,

Jennifer N. Mena, Board Assistant  
VTA Office of the Board Secretary