

BOARD OF DIRECTORS MEETING

Thursday, May 2, 2019

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 O'Neill at 5:34 p.m. in Conference Room 157, 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	Present
Lan Diep	Board Member	Absent
Susan Ellenberg	Alternate Board Member	Absent
Adrian Fine	Alternate Board Member	Absent
Glenn Hendricks	Alternate Board Member	Present
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 noted the following: 1) Staff's request to remove Closed Session **Agenda Item #2.1.C.**, Conference with Legal Counsel - Anticipated Litigation from the agenda; and 2) Staff's request to hear Closed Session **Agenda Item #2.1.D.**, Conference with Labor Negotiators, after **Agenda Item #9.5.**, Announcements.

M/S/C (Liccardo/Jones) to accept the Orders of the Day.

RESULT:	ACCEPTED – Agenda Item #1.3
MOVER:	Sam Liccardo, Board Member
SECONDER:	Chappie Jones, Board Member
AYES:	Carr, Carrasco, Jones, Liccardo, O'Neill, Rennie, Tran
NOES:	None
ABSENT:	Chavez, Cortese, Davis, McAlister, Peralez

2. CLOSED SESSION

2.1. Recessed to Closed Session at 5:37 p.m.

Vice Chairperson Chavez arrived and entered Closed Session at 5:40 p.m.

Board Member Cortese arrived and entered Closed Session at 5:45 p.m.

Board Member McAlister arrived and entered Closed Session at 5:50 p.m.

Board Member Peralez arrived and entered Closed Session at 5:55p.m.

- A.** Threat to Public Services or Facilities
[Government Code Section 54957(a)]

Consultation with: Gary Miskell, Chief Information Officer

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

Name of Case: Wang, et al. v. Santa Clara Valley Transportation Authority
(Santa Clara County Superior Court Case No.: 18CV331149)

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

C. (Removed from the Agenda.)

Conference with Legal Counsel- Anticipated Litigation

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.

Number of Cases: 1

D. (To Be Heard After Agenda Item #9.5.)

Conference with Labor Negotiators
[Government Code Section 54957.6]

VTa Designated Representatives

Bob Escobar, Negotiator

Raj Srinath, Deputy General Manager/Chief Financial Officer

Inez Evans, Chief Operating Officer

Employee Organizations

Amalgamated Transit Union, Local 265

Alternate Board Member Davis arrived and entered Closed Session at 6:14 p.m.

2.2. Reconvened to Open Session at 6:16 p.m. at Board of Supervisors' Chambers.

Chairperson O'Neill noted that the Board did not finish discussing all the items in Closed Session and Closed Session **Agenda Item #2.1.D.**, Conference with Labor Negotiators, would be discussed following **Agenda Item #9.5.**, Announcements. Chairperson O'Neill also noted that the Closed Session report would be given at the conclusion of closed session.

3. AWARDS AND COMMENDATION

3.1. Employees and Supervisor of the Quarter for the 2nd Quarter of 2019

The Board recognized Dieu Nguyen, Business Systems Analyst II, Technology Department as Employee of the 2nd Quarter of 2019; and Tracene Crenshaw, Assistant Board Secretary, Office of the Board Secretary, as Supervisor of the 2nd Quarter of 2019.

Anthony Royall, Coach Operator, Cerone Operations; and Kevin Parrish, Facilities Maintenance Representative, Facilities Maintenance were unable to attend the meeting, but were recognized by the Board as Employees of the 2nd Quarter of 2019.

The Board recognized Cindy Pham, VTA Graphic Design Intern and San José State University student, for her work on the bus wrap that was featured during Get on Board Day on April 25, 2019.

4. PUBLIC COMMENT

Andrew Boone, Interested Citizen, commented on funding bus service.

Doug Offenheiser, VTA employee, expressed concern about a non-revenue vehicle shortage due to maintenance of aging vehicles.

Aaron Grulich, San José State University student, made the following comments:
1) expressed support for the Eastridge to BART Regional Connector (EBRC); and
2) expressed concern about bicycle and pedestrian safety.

Eugene Bradley, Silicon Valley Transit Users, commented on the proposed cuts in bus service.

Roland Lebrun, Interested Citizen, commented on the following: 1) double tracking between south San José and Morgan Hill; and 2) building residences in the Eastridge parking lot.

The following Members of the Public expressed support for the EBRC extension:

- Sylvia Arenas, San José District 8 Councilmember;
- Carl Guardino, Silicon Valley Leadership Group;
- Rose Herrera, former San José Vice Mayor;
- Jonathan Perez, Senator Jim Beall's office;
- Bill Roth, Sacred Heart Community Service;
- Jeffrey Buchanan, Working Partnerships USA;
- Andres Solomonoff, Interested Citizen;
- Antonio Perez, Interested Citizen;
- Kevin Larsen, Interested Citizen;
- Poncho Guevara, Sacred Heart Community Service;
- Jethroe Moore II, San José/Silicon Valley NAACP;
- Mariel Caballero, Interested Citizen;
- Andrea Flores Shelton, Interested Citizen;
- Gina Gates, Interested Citizen;
- Keyson Manithap, Interested Citizen;
- Jessica Vollmer, Working Partnerships USA;
- Rodrigo Navarro, Consulate General of Mexico;
- Sheikh Nayeem, Interested Citizen;
- Linda Vo, Assemblymember Kansen Chu's office;
- Nidia Rodriguez, Interested Citizen;
- Gloria Rivera, Interested Citizen;
- Laura Arechiga, Interested Citizen;
- Sandra Rodriguez, Interested Citizen;
- Teresa Gomez, Assemblymember Ash Kalra's office;
- Akbar Syed, Interested Citizen;
- Hugo Marquez, Interested Citizen;

- Salvador Bustamante, Latinos United for a New America (LUNA);
- Ernesto Barajas, Interested Citizen;
- Cayce Hill, Interested Citizen;
- Pedro Yanes, Labor Workers Union Local 271;
- Olivia Navarro, Labor Workers Union Local 271;
- Greg Mayhew, Interested Citizen;
- Craig Ferguson, VTA retiree;
- Asn Ndiaye, Working Partnerships USA;
- Heather Hanson, Interested Citizen;
- Tony Alexander, Interested Citizen;
- Indrajit Banerjee, Interested Citizen;
- Matt Savage, Interested Citizen;
- Rah Riley, Eastridge Center;
- Mimi Hernandez, Interested Citizen; and
- Justin Triano, Interested Citizen

The following Members of the Public expressed opposition to the elimination of Route 65:

- Eileen Hunter, Interested Citizen;
- Cole Cameron, Interested Citizen; and
- Linda McCleod, Interested Citizen

5. PUBLIC HEARINGS

There were no Public Hearings.

6. COMMITTEE REPORTS

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

Martin Schuler, Citizens Advisory Committee (CAC) Chairperson, provided a report on the items discussed at the April 10, 2019, CAC meeting.

Board Member Cortese left his seat at 7:27 p.m.

Public Comment

Mr. Boone suggested that items of high interest be heard early on Advisory Committee agendas.

Board Member Cortese returned to his seat at 7:32 p.m.

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

Chairperson O'Neill noted the Policy Advisory Committee (PAC) Chairperson's report was contained in the Board Members' reading folders and placed on the public table.

6.3. Standing Committee Chairpersons' Report

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

Chairperson Peralez	Congestion Management Program and Planning (CMPP) Committee meeting on April 18, 2019
Chairperson Carr	Administration and Finance (A&F) Committee meeting on April 18, 2019
Chairperson Jones	Safety, Security and Transit Planning and Operations (SSTPO) Committee meeting on April 18, 2019

6.4. Policy Advisory Board (PAB) Chairpersons' Report

State Route (SR) 85 Corridor PAB Chairperson McAlister provided a report on the April 22, 2019, workshop meeting.

7. CONSENT AGENDA

Board Member Liccardo noted his recusal from **Agenda Item #7.3.**, BART Silicon Valley Program Contract Extension with Kimley-Horn & Associates, Inc. for Planning Program Management Services.

Public Comment

Mr. Lebrun referenced **Agenda Item #7.3.**, BART Silicon Valley Program Contract Extension with Kimley-Horn & Associates, Inc. for Planning Program Management Services and expressed concern about hiring a contractor for planning and program management services.

7.1. Board of Directors Regular Meeting Minutes of April 4, 2019

M/S/C (Chavez/Davis) to approve the Board of Directors Regular Meeting Minutes of April 4, 2019.

7.2. Fast Transit Program: Resolution to commit LCTOP funds

M/S/C (Chavez/Davis) to adopt **Resolution No. 2019.05.09** to apply Fiscal Year 2019-2021 population-based Low Carbon Transit Operations Program (LCTOP) funds to the VTA Fast Transit Program.

7.3. BART Silicon Valley Program Contract Extension with Kimley-Horn & Associates, Inc. for Planning Program Management Services

M/S/C (Chavez/Davis) on a vote of 11 yeses 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 one-year period, beginning in July 1, 2019, to continue to provide planning and program management services for VTA's BART Silicon Valley Program. Board Member Liccardo refused.

7.4. Amendment Outfront Contract for SVBX Advertisement

M/S/C (Chavez/Davis) to authorize the General Manager to execute an amendment to the contract with Outfront Media Group, LLC (Outfront), to add the Berryessa/North San José Intermodal Transit Center and the Milpitas Intermodal Transit Center and exercise the five-year option in the current contract in return for Outfront's investment of \$1.735 million in new digital advertising displays and related costs, with the other terms and conditions of the contract unchanged.

7.5. Fiscal Year 2019-2020 Transportation Development Act (TDA/State Transit Assistance (STA) Claim

M/S/C (Chavez/Davis) to adopt **Resolution No. 2019.05.10** authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for an allocation of FY 2019-2020 Transportation Development Act (TDA) and the State Transit Assistance (STA) funds.

RESULT:	ADOPTED – Agenda Items #7.1-7.2, 7.4-7.5
MOVER:	Cindy Chavez, Vice Chairperson
SECONDER:	Dev Davis, Alternate Board Member
AYES:	Carr, Carrasco, Chavez, Cortese, Davis, Jones, Liccardo, McAlister, O'Neill, Peralez, Rennie, Tran
NOES:	None

RESULT:	ADOPTED – Agenda Item #7.3
MOVER:	Cindy Chavez, Vice Chairperson
SECONDER:	Dev Davis, Alternate Board Member
AYES:	Carr, Carrasco, Chavez, Cortese, Davis, Jones, McAlister, O'Neill, Peralez, Rennie, Tran
NOES:	None
RECUSALS:	Liccardo

8. REGULAR AGENDA

Administration and Finance Committee

8.1. **Fiscal Year 2019 Statement of Revenues and Expenses for the Period Ending December 31, 2018**

Carol Lawson, Deputy Director of Finance, Budget & Program Management, provided a brief overview of the staff report.

M/S/C (Liccardo/Chavez) to review and accept the Fiscal Year 2019 Statement of Revenues and Expenses for the period ending December 31, 2018.

RESULT:	APPROVED – Agenda Item #8.1
MOVER:	Sam Liccardo, Board Member
SECONDER:	Cindy Chavez, Vice Chairperson
AYES:	Carr, Carrasco, Chavez, Cortese, Davis, Jones, Liccardo, McAlister, O'Neill, Peralez, Rennie, Tran
NOES:	None

Board of Directors

8.2. **2019 New Transit Service Plan**

Jay Tyree, Sr. Transportation Planner, provided a presentation entitled “2019 New Transit Service Plan: Final Staff Recommendation.”

Board Member Peralez left his seat at 7:54 p.m.

Board Member Carrasco left her seat at 7:56 p.m.

Public Comment

Judy Purrington, Silicon Valley Transit Users, noted that 2016 Measure B promised better transit.

Michael Lee, Almaden Valley Community Association, made the following comments: 1) thanked staff for their work on Route 83; and 2) encouraged VTA to think creatively about Route 65.

Carin Marlin, Veterans Affairs Social Worker, expressed support for the proposed changes to Route 42.

Teresa Perez, Interested Citizen, advocated to keep Route 17.

John Mitt-Chaa, Interested Citizen, expressed support for the proposed changes to Route 42.

Mr. Boone made the following comments: 1) expressed support for Route 22 service being kept overnight; and 2) advocated to keep Route 65.

Marybeth Bowman, American Association of Retired Persons (AARP), commented on creating an age friendly network.

Stacy Banerjee, Interested Citizen, commented on Route 51.

Mr. Bradley commented on the need to increase bus service.

Glenn Hendricks, VTA Alternate Board Member, noted that the New Transit Service Plan does not reduce service hours from current levels.

Board Members Peralez and Carrasco returned to their seats at 8:18 p.m.

Matt Mahan, Interested Citizen, expressed support for the New Transit Service Plan.

Interested Citizen made the following comments: 1) expressed gratitude that Route 22 overnight hours were saved; and 2) the County needs more year round homeless shelters.

Members of the Board had a robust discussion on the following: 1) an explanation of decisions about specific routes and first/last mile solutions; 2) Express Bus system; and 3) the need for a solution for passengers who use Route 22 overnight as shelter.

Board Member Liccardo left at 8:25 p.m.

Alternate Board Member Davis left her seat at 8:28 p.m.

Board Member Liccardo returned at 8:31 p.m.

Alternate Board Member Davis returned to her seat at 8:36 p.m.

M/S/C (Chavez/Jones) to adopt the final 2019 New Transit Service Plan for implementation in late 2019 coincident with the opening of the BART extension to Berryessa. Further, the Board requested staff look at the following items and report back at a future meeting: 1) for Route 17 explore developing first/last mile solutions and Vice Chairperson Chavez will work with the County to determine if there is a more easily accessible location for the social service facility on Tompkins Court; 2) explore developing first/last mile solutions, alternative service, and alternate routing options for Route 65 and work with residents along the route to market it; 3) examine options that can address the transportation needs of middle school students along Route 51; and 4) evaluate and present all options for a future Express Bus system.

RESULT:	ADOPTED, as amended – Agenda Item #8.2
MOVER:	Cindy Chavez, Vice Chairperson
SECONDER:	Chappie Jones, Board Member
AYES:	Carr, Carrasco, Chavez, Cortese, Davis, Jones, Liccardo, McAlister, O'Neill, Peralez, Rennie, Tran
NOES:	None

8.3. February 2019 Future of Transportation Workshop - Next Steps

Chris Augenstein, Planning & Programming Director, provided a presentation entitled “Future of Transportation Workshop: Review & Next Steps.”

Board Member Carrasco and Vice Chairperson Chavez left their seats at 9:13 p.m.

Board Member Carrasco returned to her seat at 9:18 p.m.

Public Comment

Mr. Boone emphasized the importance of an adequately funded bus system.

Vice Chairperson Chavez returned to her seat at 9:20 p.m.

On Order of Chairperson O’Neill and there being no objection, the Board of Directors reviewed and received the February 2019 Future of Transportation Workshop next steps.

9. OTHER ITEMS

9.1. General Manager Report

Nuria I. Fernandez, General Manager/CEO, provided a report, highlighting the following: 1) April 25, 2019 Get on Board Day; 2) April 25th Bring Your Child to Work Day; 3) Public meetings on Fiscal Year 2020/21 Proposal Biennial Budget; 4) May 9, 2019 Bike to Work Day; and 5) April 2019 Ridership.

Vice Chairperson Chavez left her seat at 9:23 p.m.

Lt. José Cardoza, Transit Patrol, provided a brief report on the April 2019 security statistics.

9.1.A. Government Affairs Update

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

Board Member McAlister left his seat at 9:30 p.m.

9.1.B. Silicon Valley Rapid Transit (SVRT) Program Update

Dennis Ratcliffe, Deputy Director, SVRT/BART Capital Program introduced Jorge Martinez, SVBX Project Manager, Bechtel, who provided a presentation, titled “Silicon Valley Rapid Transit (SVRT) Program Update.”

Vice Chairperson Chavez returned to her seat at 9:31 p.m.

Board Member McAlister returned to his seat at 9:35 p.m.

Board Member Perez left his seat at 9:35 p.m.

Public Comments

Mr. Bradley expressed concern about the recent bus collision and inquired about bus driver training.

Mr. Ndiaye suggested implementing a communication system in case the time contingency for BART is not enough.

Board Member Perez returned to his seat at 9:40 p.m.

9.2. Chairperson’s Report

Chairperson O’Neill reported the Ad Hoc Board Enhancement Committee will be held on May 29, 2019, noting the Membership of the Committee.

9.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Chairperson O’Neill directed attention to the referral memorandum from Board Member Liccardo and herself contained in the Board Members’ reading folders and on the public table.

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

9.4.A. VTA Standing Committees

- Capital Program Committee - There was no report.
- Governance and Audit (G&A) Committee - There was no report.
- Congestion Management Program & Planning (CMPP) Committee - The April 18, 2019, Minutes were accepted as contained in the Agenda Packet.
- Administration & Finance (A&F) Committee - The April 18, 2019, Minutes were accepted as contained on the dais.

- Safety, Security, and Transit Planning & Operations (SSTP&O) Committee - The April 19, 2019, Minutes were accepted as contained in the Agenda Packet.

9.4.B. VTA Advisory Committees

- Technical Advisory Committee (TAC) - The April 10, 2019, Minutes were accepted as contained in the Agenda Packet.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) - The April 10, 2019, Minutes were accepted as contained in the Agenda Packet.
- Bicycle and Pedestrian Advisory Committee (BPAC) - The April 10, 2019, Minutes were accepted as contained in the Agenda Packet.
- Committee for Transportation Mobility and Accessibility (CTMA) - There was no report.
- Policy Advisory Committee (PAC) - The April 11, 2019, Minutes were accepted as contained in the Agenda Packet.

9.4.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 - There was no report.

9.4.D. Joint and Regional Commissions

- Caltrain Peninsula Corridor Joint Powers Board - The May 2, 2019, Summary Notes were accepted as contained in the Reading Folder.
- 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.

Public Comment

Omar Chatty, Interested Citizen, commented on the following: 1) Caltrain deaths; 2) high speed rail; and 3) State Route 152.

Mr. Lebrun noted that the Ad Hoc Board Enhancement Committee meeting was not reflected on the website.

9.5. Announcements

There were no Announcements.

2. CLOSED SESSION (Continued)

Public Comment

Raj Singh, Amalgamated Transit Union (ATU) Local 265 member, provided a brief report on the negotiations from ATU's view, highlighting the following: 1) VTA encouraged employees to retire but have not hired anyone; 2) members' long hours of long hours of driving time due to commute and their shift; and 3) a mediator declared an impasse.

John Courtney, ATU Local 265 member, made the following comments: 1) VTA driver training is the best in the country; 2) VTA has the highest reserves of peer agencies in California; and 3) encouraged the Board to look at pension contributions differently.

Alternate Board Member Davis left the meeting at 9:55 p.m.

2.1. Recessed to Closed Session at 9:54 p.m.

D. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives

Bob Escobar, Negotiator

Raj Srinath, Deputy General Manager/Chief Financial Officer

Inez Evans, Chief Operating Officer

Employee Organizations

Amalgamated Transit Union, Local 265

2.2. Reconvened to Open Session 10:18 p.m.

2.3. Closed Session Report

- A.** Threat to Public Services or Facilities
[Government Code Section 54957(a)]

Consultation with: Gary Miskell, Chief Information Officer

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: Wang, et al. v. Santa Clara Valley Transportation Authority
(Santa Clara County Superior Court Case No.: 18CV331149)

Ms. Tran noted no reportable action was taken during closed session.

- D.** Conference with Labor Negotiators
[Government Code Section 54957.6]

VTa Designated Representatives

Bob Escobar, Negotiator

Raj Srinath, Deputy General Manager/Chief Financial Officer

Inez Evans, Chief Operating Officer

Employee Organizations

Amalgamated Transit Union, Local 265

Ms. Tran noted no reportable action was taken during closed session.

10. ADJOURNMENT

On order of Chairperson O'Neill and there being no objection, the meeting was adjourned at 10:19 p.m.

Respectfully submitted,

Thalia Young, Board Assistant
VTA Office of the Board Secretary