

BOARD OF DIRECTORS MEETING

Thursday, March 4, 2021

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

Chairperson Hendricks welcomed new Alternate Board Member Lynette Lee Eng, representing North West City group.

1.2. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio	Present
Marie Blankley	Alternate Board Member	Present
Pat Burt	Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Board Member	Present
Rich Constantine	Board Member	Present
Dev Davis	Alternate Board Member	Absent
Lisa Gillmor	Alternate Board Member	Absent
Glenn Hendricks	Chairperson	Present
Sergio Jimenez	Board Member	Present
Charles "Chappie" Jones	Vice Chairperson	Present
Otto Lee	Alternate Board Member	Absent
Lynette Lee-Eng	Alternate Board Member	Present
Sam Liccardo	Board Member	Present
Carmen Montano	Board Member	Present
Darcy Paul	Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Alternate Board Member	Present
Joe Simitian	Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2. Orders of the Day

Chairperson Hendricks requested that **Agenda Item #7.4.**, Allied Universal Security Services 3-Month Extension, be placed on the Consent Agenda.

Chairperson Hendricks noted that tonight's Board meeting would be adjourned in the memory VTA Road Transit Mechanic, who passed away on March 1, 2021 from complications due to COVID-19.

M/S/C (Hendricks/Jones) on a vote of 11 ayes, 0 noes, and 1 abstention to approve the Orders of the Day. Board Member Simitian abstained.

RESULT:	Orders of the Day
MOVER:	Hendricks, Chairperson
SECONDER:	Jones, Vice Chairperson
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jones, Lee Eng, Liccardo, Montano, Paul, Peralez
NOES:	None
ABSENT:	Jimenez
ABSTAIN:	Simitian

2. AWARDS AND COMMENDATION

2.1. 2020 Employees of the Year

The Board of Directors recognized the 2020 Employees of the Year for 2020: 1) Kermit Cuff, Transit Service Development Supervisor in the Service Planning Department; and 2) William Hawthorne, Light Rail Signal Maintainer in the Way, Power.

Board Member Burt arrived at the meeting at 5:37 p.m. and Alternate Board Member Lee Eng relinquished her seat to Board Member Burt

3. PUBLIC COMMENT

Theadora Abraham, Board Assistant, stated for the record that Blair Beekman, Interested Citizen, submitted written public comment, which was provided to the Board and posted on the online agenda packet.

Alex Shoor, Catalyze SV, commented about the following: 1) community engagement; and 2) commended Kermit Cuff's work ethic.

Roland Lebrun, Interested Citizen, commented about the following: 1) transit connections between light rail and bus; 2) VTA's responsibility in managing congestion; 3) parking lots at the Gilroy Transit Center.

Mr. Beekman commented about the following: 1) the use of shot spotters at the new Berryessa Bay Area Rapid Transit (BART) station; 2) transparency; and 3) creating a committee that would oversee advertising on VTA property.

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

4. PUBLIC HEARINGS

There were no public hearings.

5. COMMITTEE REPORTS

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

Citizens Advisory Committee (CAC) Chairperson Swaminathan provided a brief report on the CAC meeting of February 10, 2021.

A brief discussion ensued about the potential meeting structure post pandemic.

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

Policy Advisory Committee (PAC) Chairperson Moore provided a brief report on the PAC meeting of February 11, 2021.

5.3. Standing Committee Chairpersons' Report

Chairperson Hendricks noted that the Administration and Finance Committee and Safety, Security, and Transit Planning and Operations Chairperson's reports were available in the online agenda packet.

Congestion Management Program and Planning (CMPP) Committee Chairperson Perez provided a brief report on the CMPP meeting of February 18, 2021.

Chairperson Hendricks provided a brief report on the Governance and Audit Committee meeting of March 4, 2021.

5.4. Policy Advisory Board Chairpersons' Report

Chairperson Hendricks noted that the Diridon Station Joint Policy Advisory Board Chairperson's report was available in the online agenda packet.

Board Member Jimenez joined the teleconference meeting at 5:54 p.m.

Public Comment

Mr. Lebrun commented about the following: 1) new legislature about teleconferencing; and 2) webinar meeting start time.

Mr. Beekman commented about the following: 1) BART funding; and 2) keeping a balanced budget.

6. CONSENT AGENDA

Public Comment

Mr. Lebrun expressed concerns about the following: 1) recommendation to appoint Marty Schuler to the 2016 Measure B Citizens' Oversight Committee; and 2) Chair and Vice Chair selection process.

Mr. Beekman referred to **Agenda Item #6.1.**, Contract Amendment for Linen Rental and Laundry Services cleaning service and **Agenda Item #6.3.**, Fiscal Year 2021 Statement of Revenues and Expenses for the Period Ending December 31, 2020 and commented about best practices and policies.

Upon inquiry from a Member of the Board, Gene Gonzalo, Engineering Group Manager, clarified costs as it relates to the analysis; and what the analysis includes pertaining to **Agenda Item #6.2.**, Silicon Valley Express Lanes Program Phase 4 – Funding for Traffic & Revenue Analysis.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. Contract Amendment for Linen Rental and Laundry Services

M/S/C (Chavez/Jones) to authorize the General Manager/CEO to execute a contract amendment with Cintas, Inc. to include rental and cleaning of additional items. The contract amount will increase by \$204,807.00, bringing the contract total to \$2,517,031.

6.2. Silicon Valley Express Lanes Program Phase 4 – Funding for Traffic & Revenue Analysis

M/S/C (Chavez/Jones) on a vote of 11 ayes and 1 no to authorize the use of Vehicle Registration Fee (VRF) Countywide Program funds allocated to the Silicon Valley Express Lanes (SVEL) Program - Phase 4 Project in the amount up to \$1.1 million to perform a traffic and revenue (T&R) analysis for the SVEL Program. Board Member Simitian opposed.

6.3. Fiscal Year 2021 Statement of Revenues and Expenses for the Period Ending December 31, 2020

M/S/C (Chavez/Jones) to review and accept the Fiscal Year 2021 Statement of Revenues and Expenses for the period ending December 31, 2020.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

6.4. Revised 2020 State Transportation Improvement Program for Santa Clara County

M/S/C (Chavez/Jones) to adopt a revised 2020 State Transportation Improvement Program, reallocating \$3.207 million from US 101 Express Lanes Phase 5 to the I-680 Soundwall (\$2.3 million) and I-280 Soundwall (\$0.907 million) projects and leaving all other allocations unchanged.

6.5. Three-Year Project Initiation Document Work Plan for Santa Clara County for Fiscal Years 2020 to 2023

M/S/C (Chavez/Jones) to receive the Three-Year Project Initiation Document Work Plan for Santa Clara County for Fiscal Years 2020 to 2023.

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

6.6. FY 2021 Transit Operations Performance Report (Through Second Quarter)

M/S/C (Chavez/Jones) to receive the FY2021 Second Quarter Transit Operations Performance Report.

6.7. Fast Transit Program Overview

M/S/C (Chavez/Jones) to receive an update on the Fast Transit Program.

6.8. Fast Transit - Bus Stop Balancing

M/S/C (Chavez/Jones) to receive a status report of the Bus Stop Balancing program.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

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

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6.9. Regular Meeting Minutes of January 22, 2021

M/S/C (Chavez/Jones) to approve the Special Meeting Minutes of January 22, 2021.

6.10. Regular Workshop Meeting Minutes of January 22, 2021

M/S/C (Chavez/Jones) to approve the Workshop Meeting Minutes of January 22, 2021.

6.11. Regular Meeting Minutes of February 4, 2021

M/S/C (Chavez/Jones) to approve the Regular Meeting Minutes of February 4, 2021.

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

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

7.4. Allied Universal Security Services 3-Month Extension

M/S/C (Chavez/Jones) on a vote of 11 ayes, 0 noes, and 1 abstention to authorize the Interim General Manager/CEO to (1) extend the term of the existing contract with Allied Universal Security Services an additional three months, through September 2021, for a total agreement term of seven years and three months; and (2) increase the total maximum contract amount by \$1,789,286, for a new total contract amount not to exceed \$47,298,898. Board Member Simitian abstained.

RESULT:	Approved -Consent Agenda #6.1; 6.3-6.12
MOVER:	Cindy Chavez, Board Member
SECONDER:	Chappie Jones, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	None

RESULT:	Approved -Consent Agenda #6.2
MOVER:	Cindy Chavez, Board Member
SECONDER:	Chappie Jones, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez
NOES:	Simitian
ABSENT:	None

RESULT:	Approved -Consent Agenda #7.4
MOVER:	Cindy Chavez, Board Member
SECONDER:	Chappie Jones, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez
ABSENT:	None
ABSTAIN	Simitian

7. REGULAR AGENDA

7.1. Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, BART Silicon Valley Extension Project Chief, and Bernice Alaniz, Director of SVRT Business Operations, provided a presentation entitled BART Silicon Valley Phase II Extension.

Public Comment

Mr. Lebrun commented about the following: 1) posting materials on the VTA website; 2) community outreach; and 3) VTA's funding plan.

Members of the Board and staff discussed the following: 1) Federal Transit Administration (FTA) review period; 2) FTA Full Funding Grant Agreement; 3) incorporating a low carbon concrete and suggested staff provide the Board options for best feasible practices; 4) funding contingency plans; 5) changes to the already approved design would require a review of several documents including the 2016 Measure B Ballot language and environmental process; 6) potential impacts to businesses; 7) project's water table management; 8) Phase II funding pulled from COVID-19 relief; and 9) opportunities for Board Members have as elected officials to voice support for the project.

Evelynn Tran, General Counsel/Interim General Manager/CEO, and Jim Lawson, Chief External Affairs Officer, noted the following: 1) VTA's financing plan must include contingency; and 2) the political dynamic around receiving funds from the stimulus bill is a separate issue than that of the Senate parliamentary ruling due to a technical error; and 3) how lobbyists are playing an active role in assisting VTA.

On order of 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

There were no items submitted for the Regular Agenda from the Administration and Finance Committee.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE
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7.2. Eastridge to BART Regional Connector Addendum #3

Christina Jaworski, Senior Environmental Planner, provided an overview of the staff report.

Ms. Abraham noted that written public comment from Harry Freitas, Director of Roads and Airports Department, was provided to the Board and can be found in the online agenda packet.

Public Comment

Mr. Lebrun commented about the following: 1) presentations provided by staff; and 2) location of the environmental document.

Eugene Bradley, Interested Citizen, commented about the need for an Ocala station near Reid-Hillview Airport, which is planned to be a mixed-use development in the near future.

Board Member Burt relinquished his seat to Alternate Board Member Lee Eng at 6:50 p.m.

Members of the Board and staff discussed the tree removal and replacement.

Elaine Baltao, Board Secretary, noted that the environmental document was part of the online agenda packet; and is available on the project page on the VTA website.

M/S/C (Perez/Carrasco) to approve the changes to the Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project (hereafter referred to as “Project”) through the following actions:

1. Adopt the Third Addendum to the Final Second Supplemental Environmental Impact Report (SEIR-2) (Attachment A) acknowledging that the Addendum:
 - a. Meets the requirements of the California Environmental Quality Act (CEQA);
 - b. Represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and
 - c. Was presented to the VTA Board of Directors for review and consideration.
2. Amend the Project as described in the Final SEIR-2.

The documents and other materials that constitute the record of proceedings upon which the decision is based are located at VTA’s River Oaks Offices, Environmental Programs, 3331 N. First Street, Building B-2, San Jose, CA 95134.

RESULT:	Approved -Regular Agenda #7.2
MOVER:	Raul Perez, Board Member
SECONDER:	Magdalena Carrasco, Board Member
AYES:	Carrasco, Chavez, Constantine, Jimenez, Jones, Hendricks, Lee Eng, Liccardo, Montano, Paul, Perez, Simitian
NOES:	None
ABSENT:	None

7.3. 2016 Measure B Innovative Transit Service Models Competitive Grant: Program of Projects

Jane Shinn, Senior Transportation Planner, provided an overview of the staff report and provided a presentation entitled 2016 Measure B Innovative Transit Service Models Competitive Grant: Program of Projects.

Alternate Board Member Lee Eng relinquished her seat to Board Member Burt at 7:18 p.m.

Members of the Board and staff discussed at length the remaining unprogrammed \$186,167. Staff explained the rationale for recommending moving the unprogrammed amount to the next cycle. Board Members offered options and requested staff to examine the options.

M/S (Jones/Liccardo) to: 1) approve the recommended 2016 Measure B Innovative Transit Service Models projects; and 2) Authorize the General Manager to execute the necessary agreements for the 2016 Measure B Innovative Transit Service Models Competitive Grant Program.

A substitute motion was made.

M/S/C (Paul/Simitian) on a vote of 11 ayes to 1 no to: 1) Approve the recommended 2016 Measure B Innovative Transit Service Models projects; and 2) Authorize the General Manager to execute the necessary agreements for the 2016 Measure B Innovative Transit Service Models Competitive Grant Program. Furthermore, to direct staff to investigate re-opening the call for projects to use the surplus funding in the near future. Member Hendricks opposed.

RESULT:	Approved – Agenda Item #7.3, as amended
MOVER:	Darcy Paul, Board Member
SECONDER:	Simitian, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	Hendricks
ABSENT:	None

**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.

BOARD OF DIRECTORS

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

Authorize the Interim General Manager/CEO to (1) extend the term of the existing contract with Allied Universal Security Services an additional three months, through September 2021, for a total agreement term of seven years and three months; and (2) increase the total maximum contract amount by \$1,789,286, for a new total contract amount not to exceed \$47,298,898.

7.5. Fiscal Year 2021 Statement of Revenue and Expenses Forecast

Franklin Wong, Deputy Director, Finance Management, provided an overview of the staff report and provided a presentation entitled the Fiscal Year 2021 Statement of Revenue and Expenses Forecast.

Public Comment

Mr. Lebrun commented about the following: 1) CARES Act funding; and 2) projections as it relates to tax revenue.

Members of the Board and staff discussed the following: 1) how VTA's managing expenses during the pandemic; 2) actual budget versus projected budget; and 3) farebox revenue contingencies to receive Federal dollars.

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

7.6. Draft 2016 Measure B 10-year Program Principles & Project Selection Criteria

Kathleen Kelly, Interim Chief Financial Officer, provided a summary of the staff report and provided a presentation entitled 2016 Measure B 10-year Program & Biennial Budget Preliminary Principles & Project Selection Criteria.

Public Comment

Mr. Lebrun commented about the following: 1) BART phase II costs; and 2) 2000 Measure A and 2016 Measure B funds.

Mr. Beekman commented about the following: 1) Diridon station; and 2) transparency as it relates to budget discussions.

Mr. Bradley commented about the following: 1) using 2016 Measure B funds for the Highway 85 corridor; and 2) the need for bike paths through disadvantaged communities.

Members of the Board and staff had a robust discussion about the following: 1) VTA's role as a congestion management agency; 2) the reasons for listing congestion management in the criteria for the Need/Capacity-based programs; 3) how to use the principles to quantify and score projects; 4) using cost benefits and ridership as part of the scoring and criteria; 5) how project readiness will impact receiving funds; 6) timing of when the 10 Year Plan and VTA's Budget will be provided to the Committees and the Board; 7) the true up process for the formula based categories; 8) latest budget projections; 9) percentage allocations for the formula based categories; 10) grade separations; 11) the importance of setting a framework for moving forward; 12) the need to meet both the letter and spirit of the ballot measure; 13) the best approach to manage all the programs and projects; and 14) matching funds for all projects within the programs.

Members of the Board expressed concerns about the following: 1) possibility of BART exceeding the 25% cap; 2) not meeting the voters' expectations as it relates to the 2016 measure; 3) any changes in the ballot language could affect the grant funding from Federal Transit Administration (FTA).

Ms. Kelly and Mr. Lawson provided clarification about the following: 1) the true up process for all program categories including BART; 2) how the financing is being guided by the ballot language and not staff's interpretation; 3) the Board will receive regular updates and have check in points in order to ensure that staff is meeting both the letter and spirit of the ballot measure; and 4) when bringing back the principles to the Board, staff will provide an attachment that will further detail the principles and will have more clarifying language.

Members of the Board requested the following from staff: 1) add to the principles a two year true up process for the BART project and request staff bring it back to the April Board meeting for action; 2) analysis for the cost of BART Phase II and ridership projections; 3) the best approach for managing all projects; 4) more than one option to have fairness and complete implementation of the entire program; 5) to know the impacts for all projects if the amount of funds are shrinking; 6) reach out to the partnership agencies who helped VTA determine estimates and how to appropriately gage expenditures.

On order of Chairperson Hendricks and there being no objection, the Board of Directors discussed the preliminary 2016 Measure B 10-year Program Principles & Project Selection Criteria.

8. OTHER ITEMS

8.1. General Manager Report

Ms. Tran provided a report a report on the following: 1) VTA's response to COVID -19, which includes efforts to vaccinate VTA employees, increased service to address passenger pass-ups; and taking VTA to vaccination sites; and 2) announced that VTA staff is using lessons learned from Government Alliance on Race and Equity (GARE) Cohort in everyday business and outreach efforts.

Ms. Tran introduced Gary Miskell, Chief Innovation Officer who provided a presentation on innovation updates.

Members of the Board and staff discussed the following: 1) thermal energy storage; 2) NextGen technologies; 3) autonomous vehicles; 4) risks and risks mitigation as it relates to innovation; 5) VTA's role as a transit agency to help with the climate emergency; and 6) if any approval to move forward would be brought to the Board. Board Members suggested providing updates to the PAC and TAC.

Mr. Miskell reminded the Board that VTA is still in the investigative stage and seeing what has been deployed and successful among the various NextGen technologies and seeking that balance that would cover a multitude of scenarios.

8.1.A. Government Affairs Update

Ms. Tran noted that the Government Affairs report was included in the online Agenda packet.

Mr. Lawson provided a brief update about the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) and how the Metropolitan Transportation Commission (MTC) is disbursing those funds.

Public Comment

Mr. Lebrun commented about the following: 1) pass ups; 2) surplus funding from the Cares Act; 2) Transit-Oriented Development (TOD) at the Gilroy Transit Center; 3) overall costs for the BART project; and 4) public comment.

Mr. Bradley commented about the following: 1) public comment; and 2) security at VTA property including buses and light rail.

Mr. Beekman commented about the following: 1) studying autonomous vehicles; and 2) types of vehicles to transport thermal energy.

John Courtney, Amalgamated Transit Union (ATU) 265, commented about the following: 1) thanked interim General Manager for her efforts in keeping employees safe during the pandemic; and 2) opposed autonomous vehicles, noting they are not safe and gets rid of jobs.

8.2. Chairperson's Report

Chairperson Hendricks provided an update on the Section 218 Agreement and announced that voting ends at 9:00 p.m., March 9, 2021. The votes will be counted on March 10, 2021.

8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no items of Concern and Referral to Administration.

8.4. Announcements

There were no Announcements.

9. CLOSED SESSION

9.1 Recessed to Closed Session at 9:16 p.m.

A. Conference with Legal Counsel - Existing Litigation

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

Name of Case: Luis Osorio vs. Santa Clara Valley Transportation

AuthorityCase# Workers Compensation Appeals Board

ADJ 11271271. TriStar Claim # 17672958

B. Public Employment

[Pursuant to Government Code Section 54957]

Title of position to be filled: General Manager

9.2 Reconvened to Open Session at 10:02 p.m.

9.3 Closed Session Report

A. Conference with Legal Counsel – Existing Litigation

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

Name of Case: Luis Osorio vs. Santa Clara Valley Transportation

AuthorityCase# Workers Compensation Appeals Board

ADJ 11271271. TriStar Claim # 17672958

Carlos Orellana, Deputy General Counsel, noted no reportable action was taken during Closed Session.

B. Public Employment

[Pursuant to Government Code Section 54957]

Title of position to be filled: General Manager

Chairperson Hendricks noted no reportable action was taken during Closed Session.

10. ADJOURNMENT

On order of Chairperson Hendricks and there being no objection, the meeting was adjourned at 10:03 p.m. in memory of VTA employee Jon Finister.

Respectfully submitted,

Theadora Abraham
VTA Office of the Board Secretary