

BOARD OF DIRECTORS MEETING

Thursday, April 2, 2020

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Chairperson Chavez at 5:33 p.m. via 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	Present
Sam Liccardo	Board Member	Present
John McAlister	Board Member	Present
Howard Miller	Alternate Board Member	Present
Bob Nuñez	Board Member	Present
Teresa O'Neill	Alternate Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2. Pledge of Allegiance

The Pledge of Allegiance commenced.

1.3 Orders of the Day

Chairperson Chavez provided opening remarks and made the following comments: 1) thanked all VTA employees, specifically those on the frontlines who provide essential service; 2) announced the process for the virtual meeting; 3) noted

Agenda Item #7.1., Delegation of Emergency Powers to General Manager and Authorizing Board Action Through Majority of Board Members Present, will require a four-fifths vote; and 4) reminded Board Members that a Special meeting will convene following adjournment of the Regular Board meeting.

Board Member Carrasco joined the meeting via teleconference at 5:36 p.m.

2. AWARDS AND COMMENDATION

There were no Awards and Commendations.

3. PUBLIC COMMENT

Chairperson Chavez noted that Eugene Bradley, Silicon Valley Transit Users, submitted a written public comment, and the comment has been included in the Agenda packet on our website.

Roland Lebrun, Interested Citizen, commented about Senate Bill 797 contributions and expressed concern about the lack of Caltrain service in Santa Clara County. Mr. Lebrun referenced AB1847 and suggested using it as a model for how to allocate Senate Bill 797 funds.

Blair Beekman, Interested Citizen, commented about the following: 1) supermajority vote process; and 2) transparency best practices.

The following Interested Citizens expressed thanks to VTA and their employees for continuing to provide essential transit service during the COVID-19 pandemic:

- Daniel Huynh
- Monica Mallon
- Hoi Anh Troung
- Katherine Hedges

John Courtney, Amalgamated Transit Union (ATU), Local 265, made the following comments: 1) thanked VTA Operators who are working through the pandemic; 2) thanked VTA for working with the unions to protect to all employees during the pandemic; 3) expressed concern about overcrowding on the buses and stressed the need to ensure social distancing on the buses.

Mr. Bradley commented about overcrowding and social distancing on the buses.

4. PUBLIC HEARINGS

There were no public hearings.

5. COMMITTEE REPORTS

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

There was no Citizen Advisory Committee (CAC) Chairperson's report.

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

There was no Policy Advisory Committee (PAC) Chairperson's report.

5.3. Standing Committee Chairpersons' Report

There was no Standing Committee Chairperson's report.

5.4. Policy Advisory Board Chairpersons' Report

There were no Policy Advisory Board (PAB) Chairpersons' reports.

6. CONSENT AGENDA

There were no items submitted for the Consent Agenda from the Standing Committees.

BOARD OF DIRECTORS

Upon query of Board Member McAlister in regards to **Agenda Item #6.5.**, Transit Operations Insurance Program FY2, Raj Srinath, Deputy General Manager/CFO, reported staff has begun evaluating higher deductibles and self-insured retentions as listed in the report.

Board Member Carr referenced **Agenda Item #6.2.**, Increase Street Sweeping Frequency, and inquired about the following: 1) if the current pandemic has suspended the State Water Resources Control Board (SWRCB) requirements; and 2) with the current times, if the funds need to be spent now.

Nuria I. Fernandez, General Manager/CEO, reported that VTA staff would review the executive order of California by Governor Newsom and provide a written report to the Board.

Chairperson Chavez referenced **Agenda Item #6.3.**, Janitorial Supplies & Housekeeping Services Contract Award, and requested an off-agenda report explaining in more detail the pay and insurance provided to employees.

Public Comment

Mr. Beekman commented about the following: 1) Board Meeting Minutes; 2) reviewing the data from the Big Belly trash cans; and 3) VTA seeking to achieve best practices.

6.1. Board of Directors Regular Meeting Minutes of March 5, 2020

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

6.2. Increase Street Sweeping Frequency

M/S/C (Hendricks/Carr) to approve as amended to authorize the General Manager to approve a contract amendment for a compensation adjustment for Universal Site Services (IFB P17151; Amendment #3) to increase the frequency of street sweeping at Santa Clara Valley Transportation Authority (VTA) facilities. Amendment #3 increases the total Contract value by \$201,120.24 from \$1,072,472.18 to \$1,273,592.42, which is above the VTA Board approved 15% contingency. Further, directed staff to do the following: 1) confirm if the State Water Resources Control Board (SWRCB) requirement as noted in the staff report was suspended through the Executive Order of California by Governor Newsom; 2) determine if the \$200,000 need to be expended now. If yes, move forward with the contract. If not, inform the Board.

6.3. Janitorial Supplies & Housekeeping Services Contract Award

M/S/C (Hendricks/Carr) to authorize the General Manager to execute a contract with TransPacific Building Maintenance, Inc. to provide janitorial supplies and site cleaning services to all VTA Transit facilities. The term of the contract will be for seven (7) years, for a maximum amount of \$2,186,506.

6.4. Fiscal Year 2020-2021 Transit Development Act (TDA)/State Transit Assistance (STA) Claim

M/S/C (Hendricks/Carr) to adopt **Resolution No. 2020.04.05** authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2020-2021 Transportation Development Act (TDA), State Transit Assistance (STA) funds, and authorize an additional \$3,937,211 to the 2020 & 2021 VTA Capital Budget appropriation for the American Disabilities Act (ADA) Transition Plan project.

6.5. Transit Operations Insurance Program FY21

M/S/C (Hendricks/Carr) to authorize the General Manager to purchase Property and Casualty insurance coverage for General & Auto Liability, Public Officials & Employment Practice Liability, Cyber Liability, Environmental Impairment & Pollution Liability, Crime, Blanket Railroad Protective Liability, and Property Insurance renewing the annual Transit Operations Insurance Program for an amount not to exceed \$3,750,000.

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

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

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

RESULT:	APPROVED – Consent Agenda, as amended - Items #6.1 - #6.6
MOVER:	Hendricks, Vice Chairperson
SECONDER:	Carr, Board Member
AYES:	Carr, Carrasco, Chavez, Cortese, Diep, Hendricks, Jones, McAlister, Nunez, Peralez, Rennie
NOES:	None
ABSENT:	Liccardo

7. REGULAR AGENDA

Board Member Liccardo joined the meeting via teleconference at 5:56 p.m.

There were no items submitted for the Regular Agenda from the Standing Committees.

BOARD OF DIRECTORS

7.1 Delegation of Emergency Powers to General Manager and Authorizing Board Action Through Majority of Board Members Present

Evelynn Tran, VTA General Counsel, and Carlos Orellana, Deputy General Counsel, provided an overview of the staff report

Public Comment

Mr. Beekman commented about VTA's cleaning process and any additional cleaning needed during the pandemic.

Mr. Bradley made the following comments: 1) thanked VTA for keeping the buses running during the pandemic; 2) expressed support for the resolution; and 3) the need for increased security when using Zoom.

Members of the Board and VTA staff discussed examples of what requires a supermajority vote.

M/S/C (Hendricks, Carr) to adopt Resolution No. 2020.04.06 and Resolution No. 2020.04.07:

- (1) (A) acknowledging the local emergency existing within the jurisdiction of the Santa Clara Valley Transportation Authority related to the COVID-19 pandemic; and

- (B) designating the General Manager or her/his designee as an official with authority under Government Code sections 8631 and 8634; and
 - (C) ordering that the Board of Directors may act through a majority of its members present and voting at a properly noticed meeting thereof, except where the law requires a supermajority; and
 - (D) limiting the orders, designation, and delegation of authority in the resolution to the earlier of 90 days, termination of the resolution by the Board of Directors, or the termination of the local emergency by the County of Santa
- (2) (A) finding and declaring that the COVID-19 pandemic is an emergency under Public Contract Code sections 1102 and 20303 and that the emergency will not permit a delay resulting from a competitive solicitation for bids; and
- (B) delegating, for 90 days unless earlier terminated by the Board of Directors, to the General Manager or her/his designee the authority to order any action pursuant to paragraph (1) of subdivision (a) of Public Contract Code section 22050; and
- (C) finding and declaring that this delegation is necessary to respond to the emergency.

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

7.2 2000 Measure A, Sales Tax Revenue Refunding Bonds, 2020 Series A

Mr. Srinath provided an overview of the staff report.

M/S/C (Hendricks/Cortese) to adopt **Resolution No. 2020.04.08** authorizing the refunding of up to all maturities of the 2000 Measure A 2015 Bonds, approving the transaction documents (on file with the Board Secretary), and authorizing the General Manager and Chief Financial Officer to individually take all actions necessary to issue the 2000 Measure A, Sales Tax Revenue Refunding Bonds, 2020 Series A and pay issuance costs

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

7.3 Amended Agreement for Administration of 2008 Sales Tax by the California Department of Tax and Fee Administration

Mr. Srinath provided an overview of the staff report.

M/S/C (Hendricks/Liccardo) to adopt **Resolution No. 2020.04.09** (Attachment A) authorizing (Attachment B) the Amended and Restated Agreement for State Administration of the 2008 Measure B transactions and use tax, between the Santa Clara Valley Transportation Authority (VTA) and the California Department of Tax and Fee Administration (CDTFA).

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

7.4 Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, Bay Area Rapid Transit (BART) Silicon Valley Extension Project Chief; and Shane Edwards, Rail Acceptance Officer, provided a presentation entitled “VTA’s BART Silicon Valley Berryessa Extension Project.”

Public Comment

The following Interested Citizens expressed concern about the cost and design of VTA’s BART Silicon Valley Phase II extension. Further, requesting VTA staff to revisit decisions that were approved related to build designs; and noted the need for the design to be cost effective while navigating through the aftermath of the pandemic.

- Adam Buckbinder
- Logan Williams
- Ms. Mallon

- David Ying
- Steven Dunbar
- Mr. Bradley
- Cliff Bargar

Mr. Lebrun commented about the following: 1) project budget for BART Silicon Valley Extension Project; 2) design around the Diridon stations; 3) single bore tunnel location; and 4) airport connector.

Linda Hutchins-Knowles, Co-founder of Mothers Out Front, referenced Agenda Item 8.1., General Manager Report, noting VTA needs to prioritize transit. Furthermore, she noted the need to get people out of their cars and on to public transit to reduce greenhouse gas emissions.

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

8. OTHER ITEMS

8.1. General Manager Report

Ms. Fernandez announced that VTA will convene a Special Board meeting on April 17, 2020, to discuss VTA's BART Silicon Valley Phase II, noting it will address many of the public's concerns.

Ms. Fernandez reported about VTA's response to Covid-19, highlighting: 1) VTA is closely monitoring and working with its partners since the onset of the virus; 2) VTA's commitment to provide an essential service; 3) VTA's enhanced cleaning and sanitizing efforts; 4) social distancing and essential trips; 5) rear-door boarding on buses; 6) service modifications to address needs and ridership decline; 7) suspension of light rail service on March 26, 2020, due to an operator trainee who tested positive; and 8) On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law, which will allocate funds to public transit.

Mr. Srinath provided a report about the financial impacts to VTA due to the Covid-19 pandemic.

Public Comment

Ms. Mallon urged the Board to preserve service and/or maintain the service before the pandemic.

Jamie Minden, Interested Citizen, Cofounder of Silicon Valley Youth Climate Strikes, commented about the following: 1) thanked VTA for continuing service during the pandemic; 2) urged the Board to refrain from cutting service for those dependent on transit in disadvantage communities; and 3) noted public transit is crucial to fight the climate crisis after the pandemic.

Mr. Beekman commented about the following: 1) best practices when it comes to communication; and 2) eminent domain.

Mr. Bradley commented about the following: 1) overcrowding on buses; 2) impacts to transit riders by changing the maximum capacity on buses; and 3) implementing a policy for bringing bags on the bus.

Mr. Huynh commented about the following: 1) the need to prioritize preserving public transit for essential workers; and 2) re-evaluating highway interchange projects.

Mr. Lebrun requested the Board and/or staff to share how much VTA saved with the brief suspension of light rail and reduced service.

Ms. Troung made the following comments: 1) thanked VTA employees for providing an essential service; 2) urged the Board to preserve service for those dependent on public transit; and 3) noted public transit is crucial to help with the climate crisis.

Board Members and VTA staff discussed the following: 1) the reductions in sales tax revenue; 2) sales tax projections; 3) status of VTA reserves; 4) economic stimulus that will assist with VTA's losses; 5) what model Metropolitan Transportation Commission (MTC) would use to distribute funds to the nine county bay area; 6) how MTC Board Members who sit on VTA's Board could help position VTA as a priority; and 7) VTA's needs during and after the pandemic;

8.2. Chairperson's Report

Chairperson Chavez thanked VTA employees who are assisting in providing a service that is safe and clean for both the riders and operators during the pandemic.

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

There were no closed session items.

10. ADJOURNMENT

On order of Chairperson Chavez and there being no objection, the meeting was adjourned at 7:24 p.m.

Respectfully submitted,

Theadora Abraham Board Assistant
VTA Office of the Board Secretary