

BOARD OF DIRECTORS MEETING

Thursday, January 9, 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 5:30 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	Absent
Cindy Chavez	Chairperson	Present
David Cortese	Board Member	Present
Dev Davis	Alternate Board Member	Absent
Lan Diep	Board Member	Present
Susan Ellenberg	Alternate Board Member	N/A
Adrian Fine	Alternate Board Member	N/A
Glenn Hendricks	Vice Chairperson	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	Alternate Board Member	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

There were no Orders of the Day.

2. AWARDS AND COMMENDATION

2.1. Employees and Supervisor of the Quarter for the 1st Quarter of 2020

The Board recognized Lok Ki Chan, Graphic Designer I, Creative Services Unit; Steve Yun, Light Rail Operator, Guadalupe Operations; Juan Delgadillo, Transit Mechanic, North Yard Maintenance; as Employees of the First (1st) Quarter of 2020.

The Board also recognized Maria Chavez, Senior Human Resources Analyst, Retirement Services Unit, as Supervisor of the First (1st) Quarter of 2020. Ms. Chavez was unable to attend.

Board Member Diep arrived and took his seat at 5:32 p.m.

2.2. Community Partnership Recognition – "Mighty" Mike McGee

The Board recognized community partner "Mighty" Mike McGee, for his efforts for VTA's Artist of the Month campaign.

2.3. Board Resolution of Appreciation

Board Member Peralez left his seat at 5:36 p.m.

M/S/C (McAlister/Carr) to adopt **Resolution No. 2020.01.01** for 2019 VTA Board Chairperson Teresa O'Neill.

RESULT:	ADOPTED – Agenda Item #2.3
MOVER:	McAlister, Board Member
SECONDER:	Carr, Board Member
AYES:	Carr, Chavez, Cortese, Diep, Henricks, Jones, Liccardo, McAlister, Rennie, Tran
NOES:	None
ABSENT:	Carrasco, Peralez

Alternate Member O'Neill thanked the Board for the opportunity to serve as the 2019 Chairperson.

Board Member Peralez returned to his seat at 5:39 p.m.

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

3. PUBLIC COMMENT

Roland, Interested Citizen, noted concerns on the New Transit Service, Santa Teresa park-n-ride parking lot and connection to Caltrain.

James Kuszmaul, Interested Citizen, suggested adding bus service to new housing communities.

The following Interested Citizens commented on the New Transit Service Plan:

- Matthew
- CJ Walker
- Judy Purrington

The following Interested Citizens urged the Board to reallocate the 2016 Measure B Funds, reduce traffic congestion, and to declare a climate emergency:

- Monica Mallon
- Daniel Huynh
- Michael Hazelton
- Cole Cameron
- Moria Merriweather
- Marshall Woodmansee
- Dashiell Leeds
- Nassim Nouri
- Judy Purrington
- Jonathan Erman
- Eugene Bradley

Michael Hazelton, Interested Citizen, commented on pedestrian deaths in San Jose.

James Wightman, Interested Citizen, provided the following suggestions: 1) put more fences along light rail; and 2) hire fare inspectors. He inquired about the opening date for the Berryessa Extension.

Thom, Interested Citizen, suggested prioritizing transit service along El Camino Real and Santa Clara and increase the speed of light rail by 10 percent.

Scott Robert Lorgent, Interested Citizen, expressed safety concerns at St. James park and adjacent light rail station. He suggested assigning permanent sheriff deputies for security.

Linda Pawlovich, Interested Citizen, expressed concern regarding poor paratransit customer service.

Blair Beekman, Interested Citizen, suggested the City of San Jose and Santa Clara County plan for continuous development in sustainable gas, speed rail, housing, technology, and eminent domain.

Scott Mace, Interested Citizen, expressed concern on absence of no smoking signs, overflowing trash cans, utilization of buses services. He also commented on signal preemption and measuring goals.

Maria, Interested Citizen, suggested adding more bike and transit share and increasing transit options availability. She advocated for public safety.

4. PUBLIC HEARINGS

There were no Public Hearings.

5. COMMITTEE REPORTS

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

Martin Schuler, Citizens Advisory Committee (CAC) Chairperson, provided a brief report on the items discussed at the December 11, 2019, CAC meeting.

Public Comment

Mr. Beekman commented on law enforcement and surveillance technology.

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 were no Standing Committee Chairpersons' reports.

5.4. Policy Advisory Board Chairpersons' Report

Chairperson Chavez provided a report on the items discussed at the December 18, 2019, Eastridge to BART Regional Connector Policy Advisory Board meeting highlighting on project acquisitions and development of the Community Working Group.

5.5. Ad Hoc Board Enhancement Committee Chairperson's Report

Chairperson McAlister provided a report on the items discussed at the December 20, 2019, Ad Hoc Board Enhancement Committee meeting.

Chairperson Chavez announced the Board Workshop on January 24, 2020, will be dedicated to the Board Governance Assessment Report.

6. CONSENT AGENDA

Board Member McAlister requested to place **Agenda Item #6.3**, Auditor General's Report on fixed assets and state of good repairs, on the Regular Agenda.

Chairperson Chavez requested to place **Regular Agenda Item #7.2**, 2020 Legislative Program for Santa Clara Valley Transportation Authority, on the Consent Agenda.

6.1. Board of Directors Regular Meeting Minutes of December 5, 2019

M/S/C (Hendricks/Cortese) to approve Board of Directors Regular Meeting Minutes of December 5, 2019.

6.2. Program Match Source for Caltrans Sustainable Communities Planning Grant for the Central Bikeway Study

M/S/C (Hendricks/Cortese) to program \$103,649 of 1996 Measure B Local Program Reserve for the Central Bikeway Feasibility Study to match a \$800,000 Caltrans Sustainable Communities Planning grant.

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

Review and receive the Auditor General's report on Fixed Assets and State of Good Repair Project.

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

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

7.2. 2020 Legislative Program for the Santa Clara Valley Transportation Authority

M/S/C (Hendricks/Cortese) to approve 2020 Legislative Program for the Santa Clara Valley Transportation Authority.

RESULT:	APPROVED – Agenda Item # 6.1 - 6.2; #6.4; and #7.2
MOVER:	Hendricks, Vice Chairperson
SECONDER:	Cortese, Board Member
AYES:	Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Peralez, Rennie, Tran
NOES:	None
ABSENT:	Carrasco

7. REGULAR AGENDA

7.1. Silicon Valley Rapid Transit (SVRT) Program Update

Dennis Ratcliffe, SVRT/BART Capital Program Director; and Jorge Martinez, Silicon Valley Berryessa Extension (SVBX) Project Manager, provided an update on VTA's BART Silicon Valley Program.

Public Comment

Roland expressed concern on the project design and suggested staffing change.

Aboubacar Ndiaye, Interested Citizen, referred to the Phase I testing and expressed concern on the length of time it takes to resolve the discrepancies.

Mr. Wightman expressed concern on the safety, the need for CCTV and security on the buses light rail, BART, and stations.

Board Members and staff engaged in a discussion regarding discrepancies, other issues and timetable for its resolution.

Board Member Cortese requested information on discrepancy resolution schedule.

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

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

Approve the 2020 Legislative Program for the Santa Clara Valley Transportation Authority.

7.3. Appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees for 2020.

Chairperson Chavez noted she will represent VTA on Caltrain's Governance Subcommittee. She also noted a request from Caltrain staff that each participating county contribute one-third for the cost of the independent counsel that will help with this effort.

M/S/C (Hendricks/Rennie) to approve appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees for 2020.

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

7.4. VTA's Sustainability Program and Climate Initiatives.

Ann Calnan, Transportation Planning Manager, and Christina Jaworski, Senior Environmental Planner, provided information on VTA's Sustainability Program and Climate Initiatives.

Board Member Cortese voiced concern and noted the climate resolution should have been on the agenda.

Nuria I. Fernandez, General Manager/CEO, noted that the resolution will be brought to the February 2020 Board meeting for adoption. The intent of the presentation on the agenda is to inform the Board about VTA's existing climate initiatives.

Public Comment

The following Interested Citizens appealed to the Board to declare climate emergency, reallocate Measure B funds, develop a plan to increase bus fleet, improve service frequency, and provide bus service in areas with no other transit options:

- James Kuszwall
- Hoai-an Truong
- Mary Williams
- Scott Mace
- Nick Cortez
- Marshall Woodmansee
- Jenny Green
- Judy Purrington
- Kathryn Hedges
- Judy Young
- 'Daniel Huynh
- Cole Cameron
- Nikita Sinha
- Macy Li
- Brianna Wang
- Ari Feinsmith
- Rachel Zhu
- Peri Plantenberg
- Betsy Megas
- Robin Roeme

The following Interested Citizens urged the Board to re-evaluate highway projects based on CEQA SB 743, and zero emission vehicles:

- Mary Williams
- Judy Young

- Daniel Huynh
- Monica Mallon
- Carolina Villa
- Ari Feinsmith
- Preethi Bayaprolu
- Bhuvi Kedia

Mr. Beekman commented on policy regulations by federal and state agencies on public transit and the good work by Board Member Cortese and staff on improving public transit and environment.

Members of the Board and staff discussed climate impacts, greenhouse gas reduction, state mandates associated with climate change, charging buses, and alternative energy storage. Members of the Board noted the importance of thinking regionally and having metrics when implementing climate initiatives.

Vice Chairperson Hendricks urged members of the public to speak to their respective city councilmembers regarding signal timing as VTA does not control the traffic light signals.

On order of Chairperson Chavez and there being no objections, the Board of Directors received a presentation on VTA's Sustainability Program and Climate Initiatives.

6.3. Fixed Assets and State of Good Repair Project

Board Member McAlister asked clarifying questions on the report.

Chairperson Chavez left her seat at 8:38 p.m.
and relinquished her seat to Vice Chairperson Hendricks.

Chairperson Chavez returned to her seat at 8:41 p.m.
and presided over the meeting.

M/S/C (Peralez/Liccardo) to review and receive the Auditor General's report on Fixed Assets and State of Good Repair Project.

APPROVED – Agenda Item #6.3

MOVER: Peralez, Board Member

SECONDER: Liccardo, Board Member

AYES: Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo,
McAlister, Peralez, Rennie, Tran

NOES: None

ABSENT: Carrasco

8. OTHER ITEMS

8.1. General Manager Report

Ms. Fernandez congratulated Chairperson Chavez and Vice chairperson Hendricks on their new leadership roles. She provided a report, highlighting: 1) announced the appointment of David Hill as Chief Operations Officer; 2) recognized Board Member Peralez as one of the recipient of the 40 Under 40 by Association for Commuter Transportation (ACT); 3) acknowledged Cody Kraatz, Administrator of Social Media & Electronic Communication, for his work on the new vta.org, which received an award from Acquia Engage Leader of the Pack under the Travel and Transportation category; and 4) New Transit Service launch on December 28, 2019.

Jay Tyree, Transportation Planning Manager, provided a brief update on the New Service Transit and preparations for the 2021 service plans.

Brandi Childress, Media & Public Affairs Manager, provided an update on public outreach activities and feedback received for the New Transit Service Plan.

Ms. Fernandez thanked Board Members O'Neill, Chavez, Rennie, and Hendricks for joining in the launching of the new transit service on December 28, 2019.

8.1.A. Government Affairs Update

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

Ridership & Safety Security Stats

Ms. Fernandez noted that the Ridership and Security statistics were also in Board Members' the reading folders.

Ms. Fernandez also noted that the book "Beyond Mobility" was at their places.

8.2. Chairperson's Report

Chairperson Chavez commended the Board members and staff for their efforts in the rolling out process of the New Transit Service.

Chairperson Chavez provided focus areas for the year: 1) climate change; 2) workforce sustainability; 3) stronger partnerships; and 4) sustaining operations.

8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Board Member Peralez requested information on paratransit service performance.

Ex-Officio Board Member Bruins noted she wanted to take a lead on the new transit service along El Camino Real corridor.

8.4. Announcements

There were no Announcements.

9. CLOSED SESSION

Evelynn Tran, General Counsel, announced Item #9.1.C. is in connection with a potential litigation involving Willie Wilson and Item #9.1.D. is in connection with a potential litigation involving Monte Bippus.

9.1. Recessed to Closed Session at 9:02 p.m.

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

Name of Case: Sharks Sports & Entertainment, LLC v. Santa Clara Valley Transportation Authority, et al. (Santa Clara County Superior Court Case No. 18-CV-327687)

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

Name of Case: Skanska-Shimmick-Herzog v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No. 19-CV-356027)

C. Conference with Legal Counsel - Potential Litigation to be Initiated by VTA
[Government Code Section 54956.9(d)(4)]

D. Conference with Legal Counsel - Potential Litigation to be Initiated by VTA
[Government Code Section 54956.9(d)(4)]

9.2. Reconvened to Open Session

The Board reconvened to Open Sessions at 9:33 p.m.

9.3. Closed Session Report

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

Name of Case: Sharks Sports & Entertainment, LLC v. Santa Clara Valley Transportation Authority, et al. (Santa Clara County Superior Court Case No. 18-CV-327687)

Ms. Tran noted there was no reportable action taken during Closed Session.

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

Name of Case: Skanska-Shimmick-Herzog v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No. 19-CV-356027)

Ms. Tran noted there was no reportable action taken during Closed Session.

C. Conference with Legal Counsel - Potential Litigation to be Initiated by VTA
[Government Code Section 54956.9(d)(4)]

Ms. Tran reported the Board authorized the General Counsel to initiate litigation against Willie Wilson.

D. Conference with Legal Counsel - Potential Litigation to be Initiated by VTA
[Government Code Section 54956.9(d)(4)]

Ms. Tran reported the Board authorized the General Counsel to initiate litigation against Monte Bippus.

10. ADJOURNMENT

On order of Chairperson Chavez and there being no objection, the meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Reyne Jimeno, Board Assistant
VTA Office of the Board Secretary