

BOARD OF DIRECTORS MEETING

Thursday, September 7, 2017

5:30 PM

Board of Supervisors' Chambers

County Government Center
70 West Hedding Street
San Jose, CA 95110

AGENDA

To help you better understand, follow, and participate in the meeting, the following information is provided:


- Persons wishing to address the Board of Directors on any item on the agenda or not on the agenda are requested to complete a blue card located at the public information table and hand it to the Board Secretary staff prior to the meeting or **before the item is heard**.
- Speakers will be called to address the Board when their agenda item(s) arise during the meeting and are asked to limit their comments to 2 minutes. The amount of time allocated to speakers may vary at the Chairperson's discretion depending on the number of speakers and length of the agenda. **If presenting handout materials, please provide 25 copies to the Board Secretary for distribution to the Board of Directors.**
- The Consent Agenda items may be voted on in one motion at the beginning of the meeting. The Board may also move regular agenda items on the consent agenda during Orders of the Day. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by notifying the Board Secretary staff or completing a blue card at the public information table prior to the meeting or prior to the Consent Agenda being heard.

- Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

In accordance with Government Code Section 84308, no VTA Board Member shall accept, solicit, or direct a contribution of more than \$250 from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency. Any Board Member who has received a contribution within the preceding 12 months in an amount of more than \$250 from a party or from any agent or participant shall disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use his or her official position to influence the decision.

A party to a proceeding before VTA shall disclose on the record of the proceeding any contribution in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any Board Member. No party, or his or her agent, shall make a contribution of more than \$250 to any Board Member during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. The foregoing statements are limited in their entirety by the provisions of Section 84308 and parties are urged to consult with their own legal counsel regarding the requirements of the law.

- All reports for items on the open meeting agenda are available for review in the Board Secretary's Office, 3331 North First Street, San Jose, California, (408) 321-5680, the Monday, Tuesday, and Wednesday prior to the meeting. This information is available on our website, www.vta.org, and also at the meeting. Any document distributed less than 72-hours prior to the meeting will also be made available to the public at the time of distribution. Copies of items provided by members of the public at the meeting will be made available following the meeting upon request.

In accordance with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964, VTA will make reasonable arrangements to ensure meaningful access to its meetings for persons who have disabilities and for persons with limited English proficiency who need translation and interpretation services. Individuals requiring ADA accommodations should notify the Board Secretary's Office at least 48-hours prior to the meeting. Individuals requiring language assistance should notify the Board Secretary's Office at least 72-hours prior to the meeting. The Board Secretary may be contacted at (408) 321-5680 or *e-mail: board.secretary@vta.org or (408) 321-2330 (TTY only). VTA's home page is on the web at: www.vta.org or visit us on  Facebook at: www.facebook.com/scvta. (408) 321-2300: 中文 / Español / 日本語 / 한국어 / tiếng Việt / Tagalog.

**NOTE: THE BOARD OF DIRECTORS MAY ACCEPT, REJECT OR MODIFY
ANY ACTION RECOMMENDED ON THIS AGENDA.**

[70 West Hedding St.](#), San Jose, California is served by bus lines *61, 62, 66, 181, and Light Rail. (*61 Southbound last trip is at 8:55 pm for this location.)

For trip planning information, contact our Customer Service Department at (408) 321-2300 between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule information is also available on our website, www.vta.org.

1. CALL TO ORDER AND ROLL CALL

- 1.1. ROLL CALL
- 1.2. Orders of the Day

2. AWARDS AND COMMENDATION

- 2.1. INFORMATION ITEM - Adopt a Retirement Commendation recognizing Arthur Douwes, Operations Manager, Engineering, for 37 years of service; Rick Melatti, Transit Foreperson, for 37 years of service; Kim Alejandro, Service Mechanic, for 36 years of service; Rely Villanueva, Transit Foreperson, for 35 years of service; Derrick McCray, Coach Operator, for 33 years of service; Horacio Ubillos, Coach Operator, for 31 years of service; Richard Terry, Coach Operator, for 29 years of service; David Ramos, Paint and Body Foreperson, for 27 years of service; Kurt Evans, Government Affairs Manager, for 25 years of service.

3. PUBLIC COMMENT

This portion of the meeting is reserved for persons desiring to address the Board of Directors on any item within the Board's jurisdiction. Speakers are **limited to 2 minutes**. The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

4. PUBLIC HEARINGS

There are no public hearings.

5. COMMITTEE REPORTS

- 5.1. Citizens Advisory Committee (CAC) Chairperson's Report. (Verbal Report) (Wadler)
- 5.2. Policy Advisory Committee (PAC) Chairperson's Report. (Verbal Report) (Miller)
- 5.3. Policy Advisory Board Chairpersons' Report. (No Report)

6. CONSENT AGENDA

- 6.1.** ACTION ITEM: Approve the Board of Directors Regular Meeting Minutes of August 3, 2017.

- 6.2.** ACTION ITEM - Authorize the General Manager to execute an agreement with the County of Santa Clara to continue the Transit Assistance program (TAP) for one year with four one-year extensions for an aggregate total of \$1,000,000.

- 6.3.** ACTION ITEM - Authorize the General Manager to execute contract amendments with Mark Thomas and Company, Inc. in an amount not to exceed \$410,000, increasing the not-to-exceed total contract value to \$3,728,769 for the SR 237 Express Lanes Project (Project). This authorization would cover the cost of the additional Design Services to complete final design and the cost of Design Services During Construction (DSDC).

- 6.4.** ACTION ITEM - Authorize the General Manager to execute a contract with DMZ Builders, the lowest responsive and responsible bidder, for the construction of the Electric Bus Charging Infrastructure, Cerone Phase 1 contract (C17156).

- 6.5.** ACTION ITEM - 1) Authorize the General Manager to submit Federal Fiscal Year 2017 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 New Starts, Section 5337 Fixed Guideway and High Intensity Motorbus, and Section 5339 Bus and Bus Facilities funds; and

2) Adopt a resolution authorizing the filing of applications with the Federal Transit Administration for Federal transportation assistance authorized by 49 U.S.C. chapter 53, title 23 United States Code, and other Federal statutes administered by the Federal Transit Administration.

- 6.6.** ACTION ITEM - Approve the Priority Development Area (PDA) Investment and Growth Strategy, Third Edition, as a requirement of receiving future OBAG grant funding.

- 6.7.** ACTION ITEM - Approve the 2017 Priority Development Area (PDA) Planning Grant Program of Projects for funding.

- 6.8.** INFORMATION ITEM - Review the Legislative Update Matrix.

- 6.9.** INFORMATION ITEM - Receive the report on VTA-ATU Pension Plan Actuarial Valuation as of January 1, 2017

- 6.10.** INFORMATION ITEM - Receive information on a new contract for Silicon Valley Express Lanes Electronic Toll Systems Integration Services with TransCore, LP.

- 6.11.** INFORMATION ITEM - Review the Draft Pedestrian Access to Transit Plan.

7. REGULAR AGENDA

Administration and Finance Committee

- 7.1.** ACTION ITEM - Adopt a resolution that approves the Loan Agreement and related documents that are on file with the Board Secretary and authorizes entry into a loan for a not to exceed principal amount of \$24,000,000, (the "Loan") from Western Alliance Business Trust, a wholly-owned affiliate of Western Alliance Bank ("Western Alliance"), to fund costs of the Silicon Valley Express Lanes Program SR 237, Phase 2 Project (the "Project").

NOTE: Motion must be approved by at least 2/3 of the Board (8 members).

Safety, Security, and Transit Planning and Operations Committee

- 7.2.** ACTION ITEM - Approve the original FY18-19 "Next Network" Transit Service Plan proposals for: 1) Discontinuing Route 45 due to low ridership, and; 2) Operating the Rapid 500 on Santa Clara Street.

Governance and Audit Committee

- 7.3.** ACTION ITEM - Approve appointments to the 2016 Measure B Citizens' Oversight Committee.

This action is contingent upon the recommendation of the Governance & Audit Committee.

8. OTHER ITEMS

- 8.1.** General Manager Report. (Verbal Report)
- 8.1.A.** Receive Government Affairs Update. (Verbal Report)
 - 8.1.B.** Receive Safety and Security Report. (Verbal Report)
- 8.2.** Chairperson's Report. (Verbal Report)
- 8.3.** ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION
- 8.4.** Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions
- 8.4.A.** VTA Standing Committees
 - 8.4.B.** VTA Advisory Committees
 - 8.4.C.** VTA Policy Advisory Boards (PAB)
 - 8.4.D.** Joint Powers Boards and Regional Commissions

8.5. Announcements

9. CLOSED SESSION

9.1. Recess to Closed Session

A. Conference with Real Property Negotiators
[Government Code Section 54956.8]

Property: 801 Newhall Street, San Jose, CA.

VTA Negotiator: Ron Golem

Negotiating parties: Sprint Communications Co., L.P.

Under Negotiation: Price and terms of payment (ground lease extension)

B. Conference with Legal Counsel - Existing Litigation
[Gov't Code Section 54956.9(d)(1)]

Claim of the Estate of Lawrence Thompson, Claim No. 1893575

9.2. Reconvene to Open Session

9.3. Closed Session Report

10. ADJOURN

BOARD OF DIRECTORS MEETING

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5:30 p.m.

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ADDENDUM TO AGENDA

- 8.1.B.X.** INFORMATION ITEM - Receive an update on the Silicon Valley Rapid Transit (SVRT) Operations and Maintenance Agreement. (Verbal Report)