

BOARD OF DIRECTORS MEETING

Thursday, December 7, 2017

5:30 PM

PLEASE NOTE CHANGE IN MEETING TIME

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. ACTION ITEM - Conduct separate elections to determine the Board's chairperson and vice chairperson for calendar year 2018.
- 1.3. Orders of the Day

2. AWARDS AND COMMENDATION

- 2.1. INFORMATION ITEM - Adopt a Retirement Commendation recognizing Kenneth Mireles, Senior Business Systems Analyst, Badge #8318, for 37 years of service; Ignacio Sosa, Overhaul and Repair Mechanic, Badge #1509, for 36 years of service; Steven Fisher, Senior Transportation Planner, Badge #8461 for 30 years of service; Krishan Sabherwal, Associate Systems Engineer, Badge #9020 for 27 years of service; and Richard Longstreth Jr., Coach Operator, Badge #3336 for 27 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. (Verbal Report)

6. CONSENT AGENDA

- 6.1. ACTION ITEM - Approve the Board of Directors Regular Meeting Minutes of November 2, 2017.
- 6.2. ACTION ITEM - Approve the Board of Directors Special Meeting Minutes of November 27, 2017.

- 6.3.** ACTION ITEM - Authorize the General Manager to negotiate and execute a contract with Perkins + Will to prepare a BART Phase II Corridor Transit-Oriented Development (TOD) Strategy Study, for a value not to exceed \$1,900,000. The contract term will be for 18 months from the date of execution. *(Deferred from the November 2, 2017, Board of Directors' meeting.)*
- 6.4.** ACTION ITEM - Authorize the General Manager to execute a contract with FBD Vanguard Construction, Inc., the lowest responsive and responsible bidder, in an amount of \$15,538,238.42 for the construction of the SR 237 Express Lanes Phase 2 Project.
- 6.5.** ACTION ITEM - Adopt a Program Budget of \$24,000,000 for the Silicon Valley Express Lanes Fund, to allow loan proceeds and any related interest earnings to pay project costs and loan costs of the Express Lanes Phase 2 Project.

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

- 6.6.** ACTION ITEM - Authorize the General Manager to execute a sole source contract with VenTek Transit, Inc. for a not-to-exceed amount of \$760,000 for hardware modifications, software engineering, and field installation necessary for all VTA Ticket Vending Machines (TVM) to dispense Clipper® cards.
- 6.7.** ACTION ITEM - Review and accept the Fiscal Year 2018 Statement of Revenues and Expenses for the period ending September 30, 2017.
- 6.8.** ACTION ITEM - Authorize the General Manager to execute contract amendments with Mark Thomas & Company to perform early development tasks to support the Project Approval/Environmental Documentation (PA/ED) phase in an amount not to exceed \$1,500,000 for the I-280/Winchester Boulevard Interchange Improvements Project.
- 6.9.** ACTION ITEM - Authorize the General Manager to execute a three year contract with Medical Transportation Management, Inc. (MTM) in the amount of \$3,243,000 to provide Paratransit Eligibility Certification Services.
- 6.10.** ACTION ITEM - Adopt the 2017 VTA Congestion Management Program (CMP).
- 6.11.** ACTION ITEM - Adopt a resolution establishing a Complete Streets Policy for VTA.
- 6.12.** ACTION ITEM - Review and receive the Auditor General's report on the Records Information Management Program Assessment.
- 6.13.** ACTION ITEM - Approve the revised Records Retention Schedule.
- 6.14.** INFORMATION ITEM - Review the Legislative Update.
- 6.15.** INFORMATION ITEM - Review the status of ongoing Santa Clara County Transportation Fund for Clean Air (TFCA) Program Manager Fund projects.

- 6.16.** INFORMATION ITEM - Receive the Development Review Quarterly Report for July to September 2017.

7. REGULAR AGENDA

Governance and Audit Committee

- 7.1.** ACTION ITEM - Review and receive the audited CAFR for VTA, and the Financial Reports for ATU Pension Plan and Retirees' OPEB Trust (both referred to as Trusts) for Fiscal Year 2017.

Administration and Finance Committee

- 7.2.** ACTION ITEM - Adopt a resolution authorizing the refunding of up to all maturities of the 2011 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 1976 Sales Tax, Sales Tax Revenue Refunding Bonds, 2017 Series B (the "2017-B Bonds") and pay issuance costs.
- 7.3.** ACTION ITEM - Approve for permanent disposition the Great Mall Transit Center in Milpitas, California and declare it as "surplus property" in accordance with applicable law. Authorize the General Manager to offer the property for sale pursuant to applicable law, with the terms and conditions of any proposed action to be presented to the Board for review and consideration before finalization.
- 7.4.** ACTION ITEM - Authorize the General Manager to enter into one or more agreements with the City of Santa Clara and/or Republic Properties Corporation and its affiliate Republic Metropolitan (Republic) in connection with the development of the City and VTA-owned parking lot at the Santa Clara Caltrain Station. The agreements include a potential Cooperative Agreement with the City and an Exclusive Negotiations Agreement (ENA) with Republic for the purpose of negotiating a sole-source Joint Development Agreement (JDA) / Disposition and Development Agreement (DDA) and any other related agreements.

Board of Directors

- 7.5.** ACTION ITEM - Adopt a policy for a Commuter Shuttle Program, which requires commuter shuttle operators to adhere to a set of rules and regulations, as amended from time to time by the General Manager, in order to access VTA-owned real property and/or VTA-controlled areas, including VTA facilities.

8. OTHER ITEMS

- 8.1.** General Manager Report. (Verbal Report)
- 8.1.A.** INFORMATION ITEM - Receive a report from Steve Palmer, Federal Lobbyist.
- 8.1.B.** Receive Government Affairs Update.

8.1.C. INFORMATION ITEM - Receive Silicon Valley Rapid Transit (SVRT) Program Update.

- **INFORMATION ITEM - Receive VTA's BART Silicon Valley Phase II environmental clearance status.**

8.2. Chairperson's Report. (Verbal Report)

8.2.A. ACTION ITEM - Approve the VTA Board of Directors Meeting Schedule for calendar year 2018.

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 Legal Counsel - Existing Litigation
Government Code Section 54956.9(d)(1)]**

Name of Case: Hawkins, Rochelle v. SCVTA, Henry Bala, et al. (Santa Clara County Superior Court Case: 16-CV-304352)

**B. Conference with Legal Counsel - Anticipated Litigation
[Government Code Section 54956.9(d)(2)]**

Significant Exposure to Litigation

No. of Potential Cases: 1

**C. Public Employee Performance Evaluation
[Government Code Section 54957]**

Title: General Manager

- D.** Conference with Labor Negotiators
[Government Code Section 54957.6]
- VTA Designated Representatives:
Jeannie Bruins, Board Chairperson
Alberto Lara, Director of Business Services
- Unrepresented Employee:
General Manager

- E.** Public Employee Performance Evaluation
[Government Code Section 54957]
- Title: General Counsel

- F.** Conference with Labor Negotiators
[Government Code Section 54957.6]
- VTA Designated Representatives:
Jeannie Bruins, Board Chairperson
Alberto Lara, Director of Business Services
- Unrepresented Employee:
General Counsel

9.2. Reconvene to Open Session

9.3. Closed Session Report

9.4. ACTION ITEM - Approve modifications to employment contract with VTA General Manager.

9.5. ACTION ITEM - Approve modifications to employment contract with VTA General Counsel.

10. ADJOURN
