

BOARD OF DIRECTORS MEETING

Thursday, February 6, 2020

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. Pledge of Allegiance
- 1.3. Orders of the Day

2. AWARDS AND COMMENDATION

- 2.1. INFORMATION ITEM - Adopt a Retirement Commendation recognizing Guy Bavoukian, Transit Foreperson, for 39 years of service; David Hohl, Bus Maintenance Instructor, for 39 years of service; Pete Willson, Transit Maintenance Supervisor, for 37 years of service; Kevin Andres, Coach Operator, for 35 years of service; James Unites, Deputy Director, Transit Planning and Capital Development, for 34 years of service; Silvia Jovel, Coach Operator, for 33 years of service; Roy Molseed, Senior Environmental Planner, for 32 years of service; Terry Russell, Coach Operator, for 32 years of service; Jane Yu, Senior Transportation Engineer, for 32 years of service; Jose Ruiz, Coach Operator, for 31 years of service; Lionel Emata, Bus Dispatcher, for 30 years of service; Cynthia Sparling, Transportation Supervisor, for 29 years of service; Mely Taganas, Executive Secretary, for 28 years of service; Annee Ruiz, Executive Secretary, for 25 years of service; and Vijay Aggarwal, Accountant III, 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) (Schulter)
- 5.2. Policy Advisory Committee (PAC) Chairperson's Report. (Verbal Report) (Constantine)
- 5.3. Standing Committee Chairpersons' Report. (Verbal Report)
- 5.4. Policy Advisory Board Chairpersons' Report. (Verbal Report) (No Report)

6. CONSENT AGENDA

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

- 6.1.** ACTION ITEM - Authorize the General Manager to execute a contract with Rail Surveyors and Engineers, Inc. to perform engineering design services for Pedestrian Gates at certain light rail crossings. The contract shall be for a three-year period for a total value not to exceed \$527,717.
- 6.2.** ACTION ITEM - Authorize the General Manager to execute funding agreements with the City of Cupertino and the Bay Area Air Quality Management District (BAAQMD) to help the City fund the Cupertino On-Demand Community Shuttle Pilot Program using \$423,000 in Transportation Fund for Clean Air (TFCA) funds administered by the Bay Area Air Quality Management District.
- 6.3.** ACTION ITEM - Authorize the General Manager to execute a contract with Granite Rock Company, the lowest responsive and responsible bidder, in an amount of \$2,744,706.50 for the construction of the I-280 Foothill Expressway Off-Ramp Improvement Project (Project).
- 6.4.** ACTION ITEM - Authorize the General Manager to execute a cost plus fixed fee contract with AECOM Technical Services, Inc. to perform the Final Design and Right-of-Way (ROW) Engineering Services for the US 101 Express Lanes Phase 5 Project (Phase 5 Project) for the amount of \$8,730,811.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

- 6.5.** ACTION ITEM - 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 Second 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.
- 6.6.** INFORMATION ITEM - Review the status of ongoing Santa Clara County Vehicle Registration Fee (VRF) activity.
- 6.7.** INFORMATION ITEM - Review the status of ongoing Santa Clara County Transportation Fund for Clean Air County Program Manager (TFCA CPM) projects.

- 6.8. INFORMATION ITEM - Receive the Programmed Projects Quarterly Monitoring Report for October - December 2019.
- 6.9. INFORMATION ITEM - Receive the Annual FY 2019 Transportation Systems Monitoring Program (TSMP) Report.

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

There were no items submitted for the Consent Agenda from the Safety, Security and Transit Planning and Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

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

BOARD OF DIRECTORS

- 6.10. ACTION ITEM - Approve the Board of Directors Regular Meeting Minutes of January 9, 2020.
- 6.11. ACTION ITEM - Approve the Board of Directors Workshop Meeting Minutes of January 24, 2020.
- 6.12. INFORMATION ITEM - Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

7. REGULAR AGENDA

- 7.1. ACTION ITEM - Authorize the General Manager to execute a contract with Takis Salpeas (dba Transit Project Strategies, LLC) to provide leadership, oversight and accountability in the management, administration and delivery of VTA's BART Silicon Valley Berryessa Extension (Phase I) to revenue service and commencement of Phase II. The contract is for a term of three years with two additional one-year options for an amount, including, incidentals, not to exceed \$3,182,500.
- 7.2. INFORMATION ITEM - Receive Silicon Valley Rapid Transit (SVRT) Program Update.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

- 7.3. ACTION ITEM - Authorize the General Manager to amend construction Contract DB11002F (C700 SSH) Line, Track, Stations, and Systems (LTSS) with Skanska-Shimmick-Herzog Joint Venture, and its partial assignment contract DB11002F (C700 AR) with Aldrich/Rosendin JV by \$11,200,000 resulting in a combined total contract amount of \$932,486,050, and increasing the General Manager's contract amendment authority provided by the VTA Administrative Code from 15% to 25% of this recommended amendment amount.

- 7.4. ACTION ITEM - Adopt: (1) a resolution approving the results of VTA's 2019 Monitoring Program; and (2) a resolution approving VTA's 2019 Title VI Program.

- 7.5. ACTION ITEM - Authorize the General Manager to enter into an Exclusive Negotiations Agreement (ENA) with Lincoln Property Company for a term of twelve (12) months for negotiation of the proposed terms and conditions of a Lease Option Agreement (LOA) for a Transit-Oriented Development project at the Cerone property. If agreement cannot be reached with Lincoln Property Company during the ENA term, authorize the General Manager to enter into an ENA with TMG Partners.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

- 7.6. ACTION ITEM - Program a total of \$9.7 million in Vehicle Registration Fee (VRF) Countywide Program funds to projects.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

- 7.7. ACTION ITEM - Adopt a resolution declaring a climate emergency.

A&F, CMPP and SSTP&O

- 7.8. ACTION ITEM - Adopt a new Express Bus Partnership Program and a new pilot Vanpool Subsidy Program for implementation in April 2020.

8. OTHER ITEMS

- 8.1. General Manager Report. (Verbal Report)

- 8.1.A. INFORMATION ITEM - Receive Government Affairs Update.

- 8.2. Chairperson's Report. (Verbal Report)
- 8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION
- 8.4. Announcements

9. CLOSED SESSION

9.1. Recess to Closed Session

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

Number of potential cases: 1

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

Number of potential cases: 1

- C. Conference with Legal Counsel - Anticipated Litigation
Significant Exposure to Litigation

[Government Code Section 54956.9(d)(2)]

Number of potential cases: 1

9.2. Reconvene to Open Session

9.3. Closed Session Report

10. ADJOURN
