

BOARD OF DIRECTORS MEETING

Thursday, May 7, 2020

5:30 PM

TELECONFERENCE MEETING ONLY

In compliance with California's statewide stay at home order and Santa Clara County's shelter in place order and pursuant to California Governor Gavin Newsom's Executive Order N-29-20, the VTA Board of Directors will convene a teleconference meeting only.

The meeting will be streamed through VTA's YouTube channel:
<https://youtu.be/RZXkLkkxDkU> and through: <https://zoom.us/j/84067030160>.

Technology limitations may limit the ability to receive verbal public comments during the meeting. We request the public to submit their comments by 12:00 p.m. on May 7, 2020 to board.secretary@vta.org. Instructions for participating in the teleconference will be posted on VTA's website: bit.ly/vta-board-agendas.

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 submit their written comments by 12:00 p.m. on May 7, 2020, to board.secretary@vta.org.
- Persons who wish to address the Board of Directors during the teleconference meeting are encouraged to visit VTA's website, bit.ly/vta-board-agendas for instructions. **Speakers are asked to limit their comments to 1 minute.** 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.
- 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.

- 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.**

There will be no physical location for the May 7, 2020 VTA Board of Directors' Meeting. You can use this link to access the meeting: <https://us02web.zoom.us/j/84067030160>.
Call in options: Zoom one-tap via smartphone: US: +16699009128,,84067030160# or +12532158782,,84067030160#
Via telephone dial: US: +1 669 900 9128 or +1 253 215 8782
Enter Meeting ID: 840 6703 0160

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

There are no awards and commendation.

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 1 minute**. 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

4.1. HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY

ACTION ITEM - Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of the property interests from five properties owned by: (1) Caroline Montalbano, Rosalie Montalbano and Josephine Montalbano, individually and as Trustee under the Will of Joseph Montalbano, deceased, and by the Decree of Distribution of the Estate, a certified copy of which was recorded May 24, 1985, Book J355, Page 2288, located in San Jose, California; (2) Pacific Gas and Electric Company, a California corporation, located in San Jose, California; (3) Rayjer Properties, LLC, a California limited liability company, located in San Jose, California; (4) Pacific/Bowie-El Cerrito, a California general partnership, located in San Jose, California; and (5) Santa Clara Valley Water District, a public corporation, aka Santa Clara County Flood Control and Water District, a public corporation, located in San Jose, California for the Eastridge to BART Regional Connector: Capitol Light Rail Project (EBRC).

Property ID/Assessor's Parcel Number/Owner

EBRC 1392 (APN 491-37-106) owned by Caroline Montalbano, Rosalie Montalbano and Josephine Montalbano, individually and as Trustee under the Will of Joseph Montalbano, deceased, and by the Decree of Distribution of the Estate, a certified copy of which was recorded May 24, 1985, Book J355, Page 2288.

Property ID/Assessor's Parcel Number/Owner

EBRC 1237 (APN 491-15-041) owned by Pacific Gas and Electric Company, a California corporation.

Property ID/Assessor's Parcel Number/Owner

EBRC 1239 (APN 491-02-073 and 491-02-074) owned by Rayjer Properties, LLC, a California limited liability company.

Property ID/Assessor's Parcel Number/Owner

EBRC 1350 (APN 491-02-069, 491-02-070, 491-02-071, and 491-02-072) owned by Pacific/Bowie-El Cerrito, a California general partnership.

Property ID/Assessor's Parcel Number/Owner

EBRC 1346 (APN 491-02-066 and 491-48-006) owned by Santa Clara Valley Water District, a public corporation, aka Santa Clara County Flood Control and Water District, a public corporation.

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

5. COMMITTEE REPORTS

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

6. CONSENT AGENDA

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

- 6.1. ACTION ITEM - Authorize the General Manager to execute Contract Amendment 6 with HNTB Corporation in the amount of \$431,000 for a new total contract amount of \$6,330,525 to complete Final Design and Right-of-Way Engineering Services for the Silicon Valley Express Lanes Program Phase 4 Project.
- 6.2. ACTION ITEM - Authorize the General Manager to execute a cooperative agreement with the County of Santa Clara for 2016 Measure B County Expressway Program Category funds for 1) delivery of the seven distinct projects listed; 2) Annual Expressway Intelligent Transportation System/Signal Systems improvement project delivery and construction; and 3) Program-level activities for the validation, financing, phasing-strategy, and delivery of all projects in the County Expressway Program Category.
- 6.3. ACTION ITEM - Authorize the General Manager to amend construction Contract 15001F (C671) for the installation of a VTA Communication Backbone Network with Aldridge Electric, Inc., in an amount of \$1,053,375 resulting in a new total authorization contract amount of \$7,860,500 and increasing the General Manager's contract amendment authority provided by the VTA Administrative Code from 15% to 25% of this recommended amendment amount.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

There were no items submitted for the Consent Agenda from the Congestion Management Program & Planning Committee.

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

- 6.4. ACTION ITEM - Adopt a resolution approving a minor amendment to the VTA Administrative Code to delegate certain authority to the VTA General Counsel to initiate litigation.
- 6.5. INFORMATION ITEM - Review and receive the scope of work for Annual Financial Audit Services for Fiscal Year 2020.

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- 6.6. ACTION ITEM – Approve the VTA Board of Directors Regular Meeting Minutes of April 2, 2020.
- 6.7. ACTION ITEM – Approve the VTA Board of Directors Special Meeting Minutes of April 2, 2020.
- 6.8. ACTION ITEM – Approve the VTA Board of Directors Special Meeting Minutes of April 17, 2020.
- 6.9. INFORMATION ITEM - Receive the Valley Transportation Plan (VTP) Highway Program Semi-Annual Report Ending December 31, 2019.
- 6.10. INFORMATION ITEM - Receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending December 31, 2019.
- 6.11. INFORMATION ITEM - - Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

7. REGULAR AGENDA

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

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

- 7.2. ACTION ITEM - Authorize the General Manager/CEO to execute a contract with the San Jose Police Department for supplemental law enforcement support services at Silicon Valley BART Extension's Berryessa Campus for a base contract period of two (2) years, from July 1, 2020 through June 30, 2022, and a base contract amount of \$4,345,697; with four (4) additional option periods to extend the contract through June 30, 2026, for a total contract amount not to exceed \$13,159,156.
- 7.3. ACTION ITEM - Approve VTA's policy on Temporary Upgrade Pay for Non-Represented Employees for Work Out of Classification (WOOC) assignments and Acting Pay requests.
- 7.4. INFORMATION ITEM – Financial Impacts of COVID-19. (Verbal Report)

8. OTHER ITEMS

- 8.1. General Manager Report. (Verbal Report)
 - 8.1.A. INFORMATION ITEM – 2016 Measure B Update.
 - 8.1.B. 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 - Anticipated Litigation
[Government Code Section 54956.9(d)(2)]
Significant Exposure to Litigation

No. of Potential Cases: multiple
- 9.2. **Reconvene to Open Session**
- 9.3. **Closed Session Report**

10. ADJOURN
