

## BOARD OF DIRECTORS MEETING

Thursday, January 4, 2018

### 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 Liccardo at 5:30 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

##### 1.1 Oaths of Office

Chairperson Liccardo stated that there are no newly appointed Board Members.

##### 1.2. ROLL CALL

Attendee Name	Title	Status
Jeannie Bruins	Ex-Officio Member	Present
Larry Carr	Board Member	Present
Cindy Chavez	Board Member	Present
David Cortese	Alternate Board Member	Absent
Dev Davis	Alternate Board Member	Present
Lan Diep	Board Member	Present
Daniel Harney	Alternate Board Member	Absent
Glenn Hendricks	Alternate Board Member	Present
Chappie Jones	Board Member	Present
Johnny Khamis	Board Member	Absent
Sam Liccardo	Chairperson	Present
John McAlister	Board Member	Present
Bob Nunez	Board Member	Present
Teresa O'Neill	Vice Chairperson	Present
Raul Peralez	Board Member	Present
Rob Rennie	Alternate Board Member	Present
Savita Vaidhyanathan	Board Member	Present
Ken Yeager	Board Member	Present

\* Alternates do not serve unless participating as a Member.

**A quorum was present.**

Chairperson Liccardo noted that the Pledge of Allegiance would be conducted immediately following Roll Call at the Board of Directors meetings. The Pledge of Allegiance commenced.

Board Member Yeager arrived at the meeting and took his seat at 5:32 p.m.

### **1.3. Orders of the Day**

Chairperson Liccardo referenced the revised Board Agenda and noted the following changes to the Agenda: 1) **Closed Session Item #9.1.A.1** – Conference with Real Property Negotiators. The second property address has been updated to reflect 225 W. Santa Clara Street, San Jose, California; 2) **Closed Session Item #9.1.A.2** – Conference with Real Property Negotiators, Property: 4 N. Second Street, San Jose, California, has been removed from the Agenda.

Chairperson Liccardo also noted an Addendum to the Agenda, **Closed Session Item #9.1.A.3.X** – Existing Litigation, Ryan v. VTA.

**M/S/C (Vaidhyanathan/Peralez)** to accept the Orders of the Day.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS] – Agenda Item #1.3</b>
<b>MOVER:</b>	Savita Vaidhyanathan, Board Member
<b>SECONDER:</b>	Raul Peralez, Board Member
<b>AYES:</b>	Chavez, Davis, Diep, Jones, Liccardo, McAlister, Nunez, O’Neill, Peralez, Vaidhyanathan, Yeager
<b>NOES:</b>	None
<b>ABSENT:</b>	Carr

---

## **2. AWARDS AND COMMENDATION**

### **2.1. Employees and Supervisor of the Quarter for the First (1st) Quarter of 2018**

The Board recognized the following Employees and Supervisor of the 1<sup>st</sup> Quarter: 1) Martha Bryan, Accountant Assistant in the Accounts Payable Unit; 2) Mark Massanti, Facilities Maintenance Representative; and 3) Elizabeth Jespersen, Senior Human Resources Analyst.

Harinderpal Singh, Coach Operator at Chaboya Operations, was unable to attend the meeting and was acknowledged as Employee of the 1st Quarter of 2018.

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

**2.2. Board Resolution of Appreciation**

The Board recognized Jeannie Bruins for all her great work, leadership and guidance as the 2017 VTA Board Chairperson.

Ex-Officio Board Member Bruins expressed her appreciation to her colleagues at the Board and reminded them the importance of having a regional perspective in decision making. She also thanked the VTA organization and noted the memorable events she attended being the Board Chairperson.

**M/S/C (Chavez/Davis)** to adopt a **Resolution of Appreciation No. 2018.01.01** for 2017 VTA Board Chairperson Jeannie Bruins.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS] – Agenda Item #2.2</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Dev Davis, Alternate Board Member
<b>AYES:</b>	Chavez, Davis, Diep, Jones, Liccardo, McAlister, Nunez, O’Neill, Peralez, Vaidhyanathan, Yeager
<b>NOES:</b>	None
<b>ABSENT:</b>	Carr

**3. PUBLIC COMMENT**

---

Roland Lebrun, Interested Citizen, commented about his undesirable experience using light rail and recommended cancelling express trains if regular trains are unable to run.

Board Member Carr arrived at the meeting and took his seat at 5:43 p.m.

Jonathan Erman, Interested Citizen, expressed concern about the following: 1) increase in fares; 2) design of the “Next Network;” 3) new VTA logo; and 3) lack of bus service in Palo Alto.

**4. PUBLIC HEARINGS**

---

There were no Public Hearings.

**5. COMMITTEE REPORTS**

---

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

Chairperson Liccardo noted that there was no CAC Chairperson’s Report.

**5.2. Policy Advisory Committee (PAC) Chairperson's Report**

PAC Chairperson Miller provided a brief report, highlighting PAC's support in making positive improvements to the I-280 Corridor. He added that the full PAC report was included in the Board Members' reading folders.

**5.3. Policy Advisory Board Chairpersons' Report**

Chairperson Liccardo noted that the Policy Advisory reports were included in the Board Members' reading folders and placed on the public table.

**6. CONSENT AGENDA**

---

Chairperson Liccardo noted that Members of the Public requested to provide comments on the following Agenda Items: **Agenda Item #6.4.**, Closed Circuit Television on Light Rail Vehicles Contract Award; and **Agenda Item #6.5.**, Authorization for Addition of Sites to VTA Joint Development Portfolio.

Board Member Diep requested **Agenda Item #6.6.**, 2018 Legislative Program, be removed from the Consent Agenda and placed on the Regular Agenda.

**6.1. Board of Directors Regular Meeting Minutes of December 7, 2017**

M/S/C (Nunez/Chavez) to approve the Board of Directors Regular Meeting Minutes of December 7, 2017.

**6.2. Copy Center Production Printers**

M/S/C (Nunez/Chavez) to authorize the General Manager to negotiate and execute a contract with Xerox Corporation for production level copy, scanning, and printing equipment and support services. The initial term of the lease contract is for five years estimated at \$750,000 with two optional year extensions at approximately \$100,000 per year for a total contract estimate of \$950,000.

**6.3. Outfront Media Contract Amendment**

M/S/C (Nunez/Chavez) to authorize the General Manager to execute an amendment to the cost reimbursable portion of the contract with OUTFRONT Media Group for an amount of \$500,000 to the current amount of \$490,000 to fabricate, print and install decals, signage and wraps on VTA Bus and light rail vehicles, light rail station platforms and additional VTA assets. The total compensation value on this Contract will be \$990,000.

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

Authorize the General Manager to execute a contract with Allied Telesis in an amount not to exceed \$7,407,750 for the procurement and installation and five year warranty of mobile Closed Circuit Television (CCTV) systems in 99 light rail vehicles.

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

Authorize the addition of the following properties to the VTA's Joint Development Portfolio: 1) the construction staging areas at the new Milpitas Transit Center and the Berryessa/North San Jose Transit Center, and 2) all future properties acquired for implementation of approved capital projects, including the BART to Silicon Valley Phase II Project, where VTA is the fee owner of the property and when such properties are no longer needed for construction purposes.

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

Approve the 2018 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

**6.7. Vehicle Registration Fee (VRF) Annual Report**

M/S/C (Nunez/Chavez) to 1) review the status of ongoing Santa Clara County Vehicle Registration Fee (VRF) activity, and 2) de-obligate and return back to the VRF Countywide fund the advance of \$5.5 million given to the City of Gilroy.

**6.8. Programmed Project Monitoring – Quarterly Report**

**On order of Chairperson Liccardo** and there being no objection, the Board of Directors received the Programmed Projects Quarterly Monitoring Report for July - September 2017.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS] – Agenda Items #6.1-6.3, and 6.7</b>
<b>MOVER:</b>	Bob Nunez, Board Member
<b>SECONDER:</b>	Cindy Chavez, Board Member
<b>AYES:</b>	Carr, Chavez, Davis, Diep, Jones, Liccardo, McAlister, Nunez, O'Neill, Peralez, Vaidhyanathan, Yeager
<b>NOES:</b>	None
<b>ABSENT:</b>	None

---

## 7. REGULAR AGENDA

---

### 6.4. Closed Circuit Television on Light Rail Vehicles Contract Award

#### Public Comment

Mr. Lebrun suggested installing video monitors on light rail vehicles as a crime preventive tool, and use it to create revenue through advertising.

**M/S/C (Chavez/O'Neill)** on a vote of 11 ayes to 0 noes to 1 recusal to authorize the General Manager to execute a contract with Allied Telesis in an amount not to exceed \$7,407,750 for the procurement and installation and five year warranty of mobile Closed Circuit Television (CCTV) systems in 99 light rail vehicles. Chairperson Liccardo recused.

<b>RESULT:</b>	<b>APPROVED– Agenda Items #6.4</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Teresa O'Neill, Board Member
<b>AYES:</b>	Carr, Chavez, Davis, Diep, Jones, McAlister, Nunez, O'Neill, Peralez, Vaidhyathan, Yeager
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>RECUSED:</b>	Liccardo

### 6.5. Authorization for Addition of Sites to VTA Joint Development Portfolio

#### Public Comment

James Wightman, expressed concern about security at light rail vehicles, and suggested executing a CCTV contract for the Milpitas and Berryessa/North San Jose Transit Centers.

**M/S/C (Chavez/O'Neill)** to authorize the addition of the following properties to the VTA's Joint Development Portfolio: 1) the construction staging areas at the new Milpitas Transit Center and the Berryessa/North San Jose Transit Center, and 2) all future properties acquired for implementation of approved capital projects, including the BART to Silicon Valley Phase II Project, where VTA is the fee owner of the property and when such properties are no longer needed for construction purposes.

<b>RESULT:</b>	<b>APPROVED– Agenda Items #6.5</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Teresa O'Neill, Board Member
<b>AYES:</b>	Carr, Chavez, Davis, Diep, Jones, Liccardo, McAlister, Nunez, O'Neill, Peralez, Vaidhyathan, Yeager
<b>NOES:</b>	None
<b>ABSENT:</b>	None

**6.6. 2018 Legislative Program**

**Public Comment**

Aboubacar Ndiaye, Working Partnerships USA, commented that VTA staff should support additional requirements that will be attached to funding transportation projects and treat them as solutions to build affordable housing.

Josh Barousse, Silicon Valley at Home, expressed concern about VTA staff's recommendation that opposes use of transportation funding for affordable housing, and stressed the need to incentivize density housing along transit lines.

**M/S/C (Diep/Davis)** to approve the 2018 Legislative Program for the Santa Clara Valley Transportation Authority (VTA), as amended. Directed staff to: 1) reflect Diridon Station as its own separate priority under the "Regional" Section of the Program; and 2) add language that VTA supports ensuring that regional grant programs are administered fairly, so that Santa Clara County jurisdictions can be rewarded for their efforts to address housing needs.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS] – Agenda Items #6.6 as amended</b>
<b>MOVER:</b>	Lan Diep, Board Member
<b>SECONDER:</b>	Dev Davis, Alternate Board Member
<b>AYES:</b>	Carr, Chavez, Davis, Diep, Jones, Liccardo, McAlister, Nunez, O’Neill, Peralez, Vaidhyanathan, Yeager
<b>NOES:</b>	None
<b>ABSENT:</b>	None

***Congestion Management Program and Planning Committee***

**7.1. I-280 Corridor Study Update**

Carolyn Gonot, Chief Engineer and Program Delivery Officer, provided an overview of the staff report and introduced Shanthi Chatradhi, Associate Transportation Engineer. Ms. Chatradhi provided a presentation highlighting the results of objectives, methodology, public outreach process, and potential solutions noted in the titled "I-280 Corridor Study."

**Public Comments**

Omar Chatty, Interested Citizen, commented about the following: 1) safety concerns about High-Occupancy Vehicle (HOV) lanes; 2) suggested VTA work with San Mateo County regarding the I-280 Corridor Study; and 3) expressed concern about road diet on Race Street in the City of San Jose.

Mr. Lebrun suggested looking at the possibility of extending Silicon Valley Rapid Transit (SVRT) from the Diridon Station to the I-280 Corridor.

Mr. Erman expressed concern about the discontinued bus service on Foothill Expressway in Los Altos.

Members of the Board discussed the following: 1) noise and vibrations from the freeways; 2) mass transit; 3) auxiliary lane; 4) project prioritization in terms of cost and funding; 5) conjunction of the study to the Stevens Creek Corridor; 6) smog from traffic; 7) traffic data collection; and 8) to conduct public meetings.

**On order of Chairperson Liccardo** and there being no objection, the Board of Directors received the I-280 Corridor Study update.

*Board of Directors*

**7.2. 2018 Appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees**

M/S/C (Chavez/O’Neill) to approve appointments to Board Standing Committees, Joint Powers Boards, Policy Advisory Boards, and Ad Hoc Committees for 2018.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS] – Agenda Items #7.2</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Teresa O’Neill, Board Member
<b>AYES:</b>	Carr, Chavez, Davis, Diep, Jones, Liccardo, McAlister, Nunez, O’Neill, Peralez, Vaidhyathan, Yeager
<b>NOES:</b>	None
<b>ABSENT:</b>	None

---

**8. OTHER ITEMS**

**8.1. General Manager Report**

Nuria I. Fernandez, General Manager and CEO, provided a report, highlighting the following: 1) VTA’s implementation of a new fare structure and improvements to select VTA bus and light rail service on January 1, 2018; and 2) Federal Transit Administration (FTA) tour of VTA’s BART Silicon Valley Berryessa extension on January 2, 2018.

**8.1.A. Safety/Security Update**

Captain David Lera provided a brief report and presentation, highlighting the following: 1) December 2017 Public Safety Data; 2) Aggravated and Simple Assault; 3) Aggravated Assaults on VTA employees; and 4) Solved cases.



Board Member Chavez inquired about actions taken to prevent crimes on transit and suggested reaching out to the District Attorney's office and Senator Jim Beall to get direction on security measures modeled after BART.

**On order of Chairperson Liccardo** and there being no objection, the Board received the Safety/Security update.

**8.1.B. Government Affairs Update**

Ms. Fernandez noted that the Government Affairs update was included in the Board Members' reading folders and placed on the public table.

**On order of Chairperson Liccardo** and there being no objection, the Board received the Government Affairs update.

**8.1.C. Silicon Valley Rapid Transit (SVRT) Program**

Ms. Gonot provided an update, highlighting the following: 1) request for extension of the New Starts Program to Federal Transit Administration (FTA); 2) timeline of the extension; and 3) bore methodology decision at the April 2018 Board meeting.

**Public Comments**

Scott Knies, Interested Citizen, suggested establishing a business interruption fund for the Silicon Valley Rapid Transit (SVRT) project.

Mr. Wightman inquired about the opening and testing of the SVRT.

Mr. Chatty commented that the Joint Development Policy maybe interfering with multi-modal access.

**On order of Chairperson Liccardo** and there being no objection, the Board received the SVRT Program update.

**8.2. Chairperson's Report**

**8.2.A. Remarks from 2018 Chairperson Sam Liccardo**

Chairperson Liccardo welcomed newly appointed Regular Board Members Nunez and McAlister (formerly Alternate Board Members). Chairperson Liccardo reported on the focuses for 2018, highlighting the following: 1) delivering the promises of 2016 Measure B; 3) opening of VTA's BART Berryessa Extension; 4) project opportunities for a potential bridge tolls measure; 5) financial stability; 6) right-sizing service; 7) innovation; 8)

importance of thinking regionally; 9) establishing an Ad Hoc Structural Deficit Working Group; and 10) land use.

### **8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

There were no 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**

- Governance and Audit Committee - There was no report.
- Congestion Management Program & Planning (CMPP) Committee - The December 17, 2017, Minutes were accepted as contained in the Agenda Packet.
- Administration & Finance (A&F) Committee – There was no report.
- Safety, Security, and Transit Planning & Operations (SSTP&O) Committee – There was no report.

#### **8.4.B. VTA Advisory Committees**

- Technical Advisory Committee (TAC) – The December 13, 2017, Minutes were accepted as contained on the dais.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) The December 13, 2017, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Bicycle and Pedestrian Advisory Committee (BPAC) - The December 13, 2017, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Committee for Transportation Mobility and Accessibility (CTMA) – There was no report
- Policy Advisory Committee (PAC) - The December 14, 2017, Minutes were accepted as contained on the dais.

#### **8.4.C. VTA Policy Advisory Boards (PAB)**

- Eastridge to BART Regional Connector PAB (formerly Downtown East Valley PAB), The December 7, 2017, Minutes were accepted as contained in the Agenda Packet.
- State Route 85 Corridor PAB – The December 11, 2017, Minutes were accepted as contained in the Agenda Packet.
- Diridon Station Joint Policy Advisory Board - There was no report.
- El Camino Real Rapid Transit PAB – There was no report.

**8.4.D. Joint Powers Boards and Regional Commissions**

- Caltrain Peninsula Corridor Joint Powers Board - The January 4, 2018, Summary Notes were accepted as contained on the dais.
- Capitol Corridor Joint Powers Authority - There was no report.
- Dumbarton Rail Corridor Policy Committee - There was no report.
- Metropolitan Transportation Commission (MTC) - There was no report.
- Sunol Smart Carpool Lane Joint Powers Authority - There was no report.
- Sunol SR 152 Mobility Partnership - There was no report.

**Public Comment**

Mr. Chatty referred to the SR 85 PAB and provided the following comments: 1) how the extra lane should be used on SR 85, once it's built; 2) there should be a South County representative on the SR 85 PAB.

**8.5. Announcements**

Chairperson Liccardo stated that he looks forward to creating a business interruption program.

Board Member McAlister noted that he was impressed with VTA staff's pride in repairing buses and trains during his tour of the yards.

Ex-Officio Board Member Bruins expressed her appreciation to Board Member Yeager for his 16 years of service on the Caltrain Board. She also noted her election as the 2018 Chairperson of the Caltrain Board.

## 9. CLOSED SESSION

---

### 9.1. Recess to Closed Session at 7:22 p.m.

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

##### A.1. Property: 10 Almaden Blvd, San Jose, California; and 225 W. Second Street, San Jose, California

Agency Negotiators: Ron Golem, Deputy Director, Real Estate & Joint Development; Brittain Cheney, Senior Vice President, Cushman & Wakefield, Inc.

Negotiating Parties: Bob Simpson and Erik Hallgrimson, Cushman & Wakefield, Inc., agents for KBS Realty Advisors, Inc., and KBSIII Ten Almaden, LLC; Vincent Scott and Shane McNulty, CBRE, Inc., agents for Principal Real Estate Investors and 225 West Santa Clara LLC

Under Negotiation: Price and terms of leases

**(Removed from the Agenda.)**

##### A.2. Property: 4 N. Second Street, San Jose, California

Agency Negotiators: Ron Golem, Deputy Director, Real Estate & Joint Development; Brittain Cheney, Senior Vice President, Cushman & Wakefield, Inc.

Negotiating Parties: Brandon Bain, Bob Simpson, Mike Baker, and Rob Souza, Cushman & Wakefield, Inc., agents for Brookfield Asset Management, Inc., and BSREP II SJ Towers, LLC

Under Negotiation: Price and terms of lease

##### A.3. Property: 50 W. San Fernando Street, San Jose, California

Agency Negotiators: Ron Golem, Deputy Director, Real Estate & Joint Development; Brittain Cheney, Senior Vice President, Cushman & Wakefield, Inc.

Negotiating Parties: Scott Dever, Jeff Cushman, and Steve Horton, Cushman & Wakefield, Inc., agents for Divco West Real Estate Services, LLC, and Rockpoint Group, LLC, Joint Venture, and 50 West San Fernando Owner LLC

Under Negotiation: Price and terms of lease

**9.1.A.3.X.** Existing Litigation - Conference with Legal Counsel  
[Government Code Section 54956.9(d)(1)]

Name of Case: Ryan v. Santa Clara Valley Transportation Authority, et al.  
(US District Court, Northern District of California Case No. 5:16-CV-04032-LHK)

**9.2. Reconvene to Open Session at 8:29 p.m.**

**9.3. Closed Session Report**

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

**A.1.** Property: 10 Almaden Blvd, San Jose, California; and 225 W. Second Street, San Jose, California

Agency Negotiators: Ron Golem, Deputy Director, Real Estate & Joint Development; Brittain Cheney, Senior Vice President, Cushman & Wakefield, Inc.

Negotiating Parties: Bob Simpson and Erik Hallgrimson, Cushman & Wakefield, Inc., agents for KBS Realty Advisors, Inc., and KBSIII Ten Almaden, LLC; Vincent Scott and Shane McNulty, CBRE, Inc., agents for Principal Real Estate Investors and 225 West Santa Clara LLC

Under Negotiation: Price and terms of leases

Robert Fabela, General Counsel, noted no reportable action was taken during Closed Session.

**A.3.** Property: 50 W. San Fernando Street, San Jose, California

Agency Negotiators: Ron Golem, Deputy Director, Real Estate & Joint Development; Brittain Cheney, Senior Vice President, Cushman & Wakefield, Inc.

Negotiating Parties: Scott Dever, Jeff Cushman, and Steve Horton, Cushman & Wakefield, Inc., agents for Divco West Real Estate Services, LLC, and Rockpoint Group, LLC, Joint Venture, and 50 West San Fernando Owner LLC

Under Negotiation: Price and terms of lease

Mr. Fabela noted no reportable action was taken during Closed Session.

---

**9.1.A.3.X.** Existing Litigation - Conference with Legal Counsel

[Government Code Section 54956.9(d)(1)]

Name of Case: Ryan v. Santa Clara Valley Transportation Authority, et al.  
(US District Court, Northern District of California Case No. 5:16-CV-04032-LHK)

Mr. Fabela noted no reportable action was taken during Closed Session.

## **10. ADJOURNMENT**

---

**On order of Chairperson Liccardo** and there being no objection, the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Michael Diaresco, Board Assistant  
VTA Office of the Board Secretary