BOARD OF DIRECTORS MEETING
Thursday, February 4, 2016
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 Chavez at 5:34 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Jason Baker</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jeannie Bruins</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<td>Magdalena Carrasco</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Cindy Chavez</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Dave Cortese</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Jose Esteves</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Johnny Khamis</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>John McAlister</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Howard Miller</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Mahn Nyuen</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Raul Peralez</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Ken Yeager</td>
<td>Board Member</td>
<td>Present</td>
</tr>
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</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2 Orders of the Day - approve Consent Agenda (Item #6)

Chairperson Chavez noted this would be the last time the Board of Directors would approve the Consent Agenda as part of the Orders of the Day. The agenda format will be revised, as outlined in Consent Agenda Item #6.3. Governing Board and Standing Committee Meeting Best Practices.
Chairperson Chavez noted Board Member Liccardo’s request to defer Agenda Item #7.3: Land Use and Transportation Integration Partnerships: Next Steps, to the March 3, 2016, VTA Board of Directors Meeting.

Chairperson Chavez noted that Staff requested the removal of Closed Session Agenda Item #9.1.C: Existing Litigation - Conference with Legal Counsel.

Chairperson Chavez referenced Agenda Item #6.4: Closed Circuit Television (CCTV) at Various Locations Phase 7 (Rebid). She indicated at the January 21, 2016, Administration and Finance Committee meeting, the Committee discussed the importance of balancing public safety and privacy of individuals. Chairperson Chavez noted as a result of this discussion, staff would work on the privacy policy and bring it to the Committee in March 2016.

Board Member Khamis thanked VTA staff for their work on Agenda Item #6.6: Local Program Reserve Reallocation.

Public Comment

James Wightman, Interested Citizen, suggested a light rail safety check be completed after Super Bowl 50.

M/S/C (Herrera/Matthews) to accept the Orders of the Day, and approve the Consent Agenda, as amended.

RESULT: APPROVED [UNANIMOUS]
(Orders of the Day and Consent Agenda Items # 6.1-6.11)
MOVER: Rose Herrera, Board Member
SECONDER: Jamie Matthews, Board Member
AYES: Bruins, Carrasco, Chavez, Esteves, Herrera, Khamis, Matthews, Miller, Nguyen, Woodward, Yeager
NOES: None
ABSENT: Liccardo

Chairperson Chavez referenced Agenda Item #6.7, Interim Improvements for Bicyclists on Page Mill Road at I-280 Interchange, and requested progress reports.

2. AWARDS AND COMMENDATION

2.1. Retirement Commendation

Chairperson Chavez recognized the following retirees for their distinguished public service with VTA: David Flores, Coach Operator, for 38 years of service; Karen Rosiles, Management Analyst, for 36 years of service; Navarro Summers, Coach Operator, for 36 years of service; Carolyn Stinemates, Transportation Superintendent, for 35 years of service; Kenneth Perkins, Rail Control Supervisor,
for 35 years of service; Timothy Melander, Transit Development Specialist II, for 34 years of service; and Michael Sulsky, Coach Operator, for 27 years of service.

The following retirees were unable to attend, but were recognized for their distinguished public service with VTA: Josie Yanez, Coach Operator, for 35 years of service; Regina Conley, Bus Dispatcher, for 31 years of service; Calvin Wilson, Coach Operator, for 29 years of service; and Alicia Lopez, Coach Operator, for 28 years of service.

3. PUBLIC COMMENT

Akos Szoboszlay, Interested Citizen, expressed support for the completion of light rail to Los Gatos, and encouraged that VTA make this a priority.

The following addressed the Board of Directors and noted that the Transportation Justice Alliance survey indicated that the public’s core transportation priorities are the following: 1) better and more frequent bus service; 2) affordable transit; 3) investment in transportation for seniors and disabled; 4) support for safer streets; and 5) affordable housing near transit.

- Charisse Ma Lebron, Working Partnerships
- Dianna Salazar, Sacred Heart Community Services
- Chris Lepe, Transform

4. PUBLIC HEARINGS

There were no Public Hearings.

5. REPORTS

5.1. Citizens Advisory Committee (CAC)/2000 Measure A Citizens Watchdog Committee (CWC) Chairperson’s Report

Herman Wadler, Chairperson, Citizens Advisory Committee (CAC)/2000 Measure A Citizens Watchdog Committee (CWC), provided a brief report of the January 13, 2016, CAC/CWC Regular Meeting, noting the following recommendations and comments: 1) the CAC conducted its 2016 leadership elections, electing Herman Wadler as Chairperson and Sharon Fredlund as Vice Chairperson; 2) approval of Local Program Reserve Savings Reallocation; 3) approval of Interim Improvements for Bicyclists on Page Mill Road at I-280; and 4) received update reports from Nuria I. Fernandez, General Manager and CEO, regarding VTA’s 2015 accomplishments and its initiatives and priorities for 2016.

Alternate Board Member Miller relinquished his seat to Board Member Baker at 5:58 p.m.
5.2. **Policy Advisory Committee (PAC) Chairperson’s Report**

Larry Carr, Chairperson, Policy Advisory Committee (PAC), provided a brief report of the January 14, 2016, PAC Regular Meeting, noting the following recommendations for Board approval and discussion items: 1) the PAC conducted its 2016 leadership elections, re-electing Larry Carr as Chairperson and Jim Davis as Vice Chairperson; 2) received a report from Ms. Fernandez on VTA’s activities in 2015; 3) received an update on Envision Silicon Valley activities; 3) approved the reallocation of $1.8 million in Local Program Reserve projects, and to the SR 87 Corridor Study; 4) received a presentation on the Transit Ridership Improvement Program (TRIP); and 5) received a report on Rapid 523 service.

Mr. Carr indicated the Committee had a robust discussion regarding the interim improvements on Page Mill Road at the I-280 Interchange. The conversation revolved around the issue of who should fund inter-agency agreements first. He stated if VTA funds are spent first and other agencies do not fund their portion then projects may end up partially completed;

Chairperson Chavez suggested the PAC discuss, and recommend to the Board, a policy framework for inter-agency agreements.

5.3. **General Manager’s Report**

Ms. Fernandez noted the safety and security report was included in the Board Members’ reading folders and on the public table. Ms. Fernandez provided a report, highlighting:

- Ridership report for December, 2015, noting a 2.4% increase in bus ridership and 2% decrease in light rail ridership compared to December of 2014.
- Official launch of FLEX, VTA’s dynamic transit service pilot program on January 14, 2016, noting the progress of the pilot program to date.

Board Member Khamis queried about the following: 1) Security and Public Safety Report, stating the number of passengers checked and cited in January, 2016, as compared to December, 2015, were significantly different, noting 25% less people were checked in January, 2016, yet there was a 33% increase in citations; and 2) expressed concern about decreased light rail ridership in January, 2016, as compared to December, 2015, and queried about possible reasons.

Ms. Fernandez indicated, in response to public request, VTA has increased the number of safety and security personnel patrolling transit service which has resulted in a higher number of incidents. She indicated possible reasons for decreased light rail ridership may include: 1) lower gas prices; 2) reduced number of week days during the month due to holidays; and 3) decreased special events during the weekday. Ms. Fernandez stated VTA will continue to monitor ridership.

Ms. Fernandez continued with her report, highlighting:

- VTA’s Super Bowl 50 transit service, highlighting the following: 1) the robust plan will be similar to the service provided to the WrestleMania event last year, which called for enhanced resources to accommodate the expected...
large crowds; and 2) the EventTik App will be the only way to ride a Super Bowl train on Sunday, February 7, 2016.

Chairperson Chavez noted the following: 1) Super Bowl is a national event and VTA’s job is to ensure safe and smooth transit service; 2) there is a need to recruit more employees to work on Super Bowl because of the longer service hours; and 3) rationale for holiday pay.

- Provided a video entitled “VTA Shop Alum Rock,” highlighting holiday activities VTA co-hosted to promote the small businesses impacted during construction of the Alum Rock/Santa Clara Bus Rapid Transit Project.

5.3.A. **Business Assistance Program for the Alum Rock/Santa Clara Bus Rapid Transit Project Update**

Jim Lawson, Director of Public Affairs and Executive Policy Advisor, provided a brief update on the Alum Rock/Santa Clara Bus Rapid Transit (BRT) Project.

Mr. Lawson introduced George Rios, Independent Administrator, who provided an update, highlighting: 1) the Small Business Assistance Program is underway, and of the 154 applications received, 123 are for Tier II; 2) applications submitted with appropriate financial documentation are currently under review; 3) VTA has sent checks to several business’ totaling $405,000; 4) next project milestone is February 11, 2016, which is the deadline to submit supporting financial documents; 5) at present, 50 percent of those who have applied for Tier II have not submitted paperwork; and 6) after the February 11, 2016, deadline there will be a better understanding of the funding requirements for the program.

Mr. Lawson indicated VTA has reached out via letter and telephone to those applicants that have not turned in completed paperwork to remind them of the deadline.

Members of the Board discussed the following: 1) outreach effort; 2) assistance in helping applicants complete paperwork; 3) required financial documentation; 4) communication; 5) thanked VTA staff for all their work in this effort; 5) requested business owners continue to be considered and respected as the project nears completion over the next year; and 6) expressed concern over the lack of parking for businesses, noting the hope is that an arrangement can be reached to alleviate the situation.

Chairperson Chavez requested VTA staff provide the following information: 1) outreach strategies that have been used, including any feedback that has been received from the telephone calling campaign; and 2) average size of claim and average size of award.

**Public Comment**

Eugene Bradley, Interested Citizen, commented on the following: 1) queried about the delay in receiving information for recent fare policy changes which eliminated paper passes; 2) wished VTA good luck on Super Bowl 50; and 3) noted there should be contingency plans for those who purchased tickets through the app in the event of internet connection failure.
David Vieira, Interested Citizen, expressed concern with lack of communication regarding construction on the Bay Rapid Transit (BRT) Corridor, noting the community is not being notified of meetings in a timely manner.

Carolyn Gonot, Director of Engineering and Transportation Infrastructure Development, noted communication is currently sent out to the community every two weeks. She apologized and explained the reason for the late notice of the Alum Rock BART Station Community Working Group (CWG) meeting.

Chairperson Chavez requested VTA clearly communicate the communication plan to the Chairperson of the Community Working Group and the Hispanic Chamber to avoid additional public meetings.

The Agenda was taken out of order.

5.3.C. Silicon Valley Rapid Transit (SVRT) Program Update

Ms. Gonot provided a brief report and presentation, highlighting: 1) Project Progress; 2) Integrated Summary Schedule; 3) SVBX Cost Summary; 4) Phase II Activities: Federal Transit Administration (FTA) New Starts Project Development; 5) Environmental Update – Community Working Groups; and 6) Phase II Funding Strategy.

5.3.B. Government Affairs Update

Kurt Evans, Government Affairs Manager, provided an update on Government Affairs, highlighting three funding proposals to address the funding gap caused by lower gas prices: 1) Senate Bill (SB) X1-1 by Senator Beall; 2) Assembly Bill (AB) 1591 by Jim Frazier; and 3) Governor Brown’s Plan. He stated all three plans propose to fix the funding gap by taking the variable rate gas tax and converting it to a fixed rate gas tax, followed by indexing.

Board Member Herrera queried whether revenue cutbacks might affect current projects. Staff indicated the hope is that the Legislature will address this issue as part of the Transportation Funding Special Session.

Chairperson Chavez recommended staff provide information to the Board so VTA Board Members may reach out for support at the appropriate time.

5.4. Chairperson’s Report

Chairperson Chavez provided a report, highlighting the following: 1) thanking Board Members and VTA staff for attending the February 3, 2016, at 4:00 a.m. Super Bowl Pep Rally; 2) thanked VTA staff for the hard work and innovation of the newly launched FLEX program; 3) expressed excitement for the work being done on the Silicon Valley Rapid Transit (SVRT) project; and 4) noted the dramatic improvement to the Alum Rock community.
6. CONSENT AGENDA

6.1. **Board of Directors Regular Meeting Minutes of January 7, 2016**

M/S/C (Herrera/Matthews) to approve the Board of Directors Regular Meeting Minutes of January 7, 2016.

6.2. **Appointments to the State Route (SR) 85 Corridor Policy Advisory Board and the El Camino Real Rapid Transit Policy Advisory Board**

M/S/C (Herrera/Matthews) to approve appointments to the State Route 85 Corridor Policy Advisory Board and to the El Camino Real Rapid Transit Policy Advisory Board.

6.3. **Governing Board and Standing Committee Meeting Best Practices**

M/S/C (Herrera/Matthews) to approve Governance & Audit Committee recommended minor changes to current VTA Board and committee processes and practices.

6.4. **Closed Circuit Television (CCTV) at Various Locations Phase 7 (Rebid)**

M/S/C (Herrera/Matthews) to authorize the General Manager to execute a contract with Ojo Technology, the lowest responsible and responsive bidder, in the amount of $1,604,882 for the procurement and installation of Closed Circuit Television (CCTV) at Various Locations Phase 7 (Rebid).

6.5. **BART Phase II Project – Funding Development and Implementation**

M/S/C (Herrera/Matthews) to authorize the General Manager to amend contract with Ernst & Young Infrastructure Advisors, LLC to add $750,000, for a revised not to exceed contract amount of $1,249,000, for VTA's BART Silicon Valley Phase II Project's funding development and implementation.

6.6. **Local Program Reserve Reallocation**

M/S/C (Herrera/Matthews) to approve reallocation of Local Program Reserve (LPR) savings of $1,844,000 to the SR237 Express Lanes Phase II, US101 Auxiliary Lanes, and SR87 Corridor Study.

6.7. **Interim Improvements for Bicyclists on Page Mill Road at I-280 Interchange**

M/S/C (Herrera/Matthews) to authorize the General Manager to: 1) Enter into inter-agency funding agreements as needed with Santa Clara County Roads and Airports Department, City of Palo Alto, Town of Los Altos Hills, and Caltrans for design and construction of Interim Improvements for Bicyclists on Page Mill Road at I-280; 2) Augment the 1996 Measure B Transportation Improvement Program Fund Capital-budget by $250,000; 3) Direct staff to release up to $75,000 of 1996 Measure B funding to the County of Santa Clara for project design, with the remainder to be released for project construction once the County of Santa Clara has received funding commitments for the remaining project construction cost; and...
4) Direct staff to work with County of Santa Clara to ensure that the concerns of the VTA Advisory Committees are considered during project design.

6.8. **Annual Swap Report for Period Ending June 30, 2015**

M/S/C (Herrera/Matthews) to receive Annual Swap Report.

6.9. **Monthly Investment Report for November 2015**

M/S/C (Herrera/Matthews) to receive the Monthly Investment Report for November 2015.

6.10. **Fixing America’s Surface Transportation (FAST) Act**

M/S/C (Herrera/Matthews) to review report on the Fixing America's Surface Transportation (FAST) Act.

6.11. **Legislative Update Matrix**

M/S/C (Herrera/Matthews) to review the Legislative Update Matrix.

7. **REGULAR AGENDA**

7.1. **Construction of the Downtown San Jose and City Hall Bus Rapid Transit Stations**

Ms. Gonot introduced Mohamed Basma, Project Manager for Alum Rock Bus Rapid Transit (BRT) Project, who provided the staff report.

**Public Comment**

Mr. Wightman queried when the downtown BRT stations would be completed, and requested the information be forwarded to his home address. Staff indicated work is scheduled to begin end of February, 2016, and be completed end of June, 2016.

Mr. Bradley queried if the Downtown San Jose City Hall BRT contract is separate from the Alum Rock BRT contract. Chairperson Chavez indicated the contracts are separate.

M/S/C (Woodward/Herrera) to authorize the General Manager to execute a contract with Granite Rock Company, the lowest responsive and responsible bidder, in the amount of $1,650,209 for the construction of the Downtown San Jose and City Hall Bus Rapid Transit (BRT) Stations Project.

RESULT: APPROVED [UNANIMOUS]

MOVER: Perry Woodward, Board Member

SECONDER: Rose Herrera, Board Member

AYES: Baker, Bruins, Carrasco, Chavez, Esteves, Herrera, Khamis, Matthews, Nguyen, Woodward, Yeager

NOES: None

ABSENT: Liccardo
Governance and Audit Committee

7.2. **Delegation to General Manager or His/Her Designee of Authority Under Public Contract Code § 22050 to Take Actions and Expend Funds in the Event of an Emergency**

Carlos Orellana, Senior Assistant Counsel, and Craig Temple, Interim Manager of Procurement, provided an overview of the staff report.

Board Member Khamis thanked VTA staff for their thorough analysis.

Board Member Baker queried if the cap might merit a higher limit. Ms. Fernandez indicated the cap is consistent with other transit agencies in the region, noting VTA can return to the Board for additional funding if needed.

**M/S/C (Herrera/Woodward)** to adopt Resolution Number 2016.02.03 delegating to the General Manager or his/her designee the authority to enter into emergency contracts up to a value of $1,000,000 per contract, subject to statutory reporting requirements and additional Board oversight.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Rose Herrera, Board Member

SECONDER: Perry Woodward, Board Member

AYES: Baker, Bruins, Carrasco, Chavez, Esteves, Herrera, Khamis, Matthews, Nguyen, Woodward, Yeager

NOES: None

ABSENT: Liccardo

Transit Planning and Operations Committee

7.3. **(Deferred to March 3, 2016, Board of Directors Meeting)**

Receive and discuss information about land use and transportation integration, following from a discussion at the December 10, 2015 Board meeting.

7.4. **Transit Ridership Improvement Program 2016 Work Plan**

John Ristow, Director of Planning and Program Development, stated the Transit Ridership Improvement Program (TRIP) is a major rethinking of how VTA develops and deploys the transit system. He stated this undertaking will require an engagement of Board Members, policy makers throughout the Valley, and Stakeholders.

Mr. Ristow introduced Adam Burger, Senior Transportation Planner, who provided a presentation entitled “Transit Ridership Improvement Program (TRIP), highlighting: 1) TRIP Purpose, Two-Year Planning and Policy Effort; 2) TRIP Elements; 3) Assessment of Current Service; 4) Policy Development; 5) Partner Education and Involvement; 6) Development of Next Network; and 7) Next Network Development.

Discussion ensued regarding the following: 1) expressed support for the project; 2) noted VTA committee engagement is essential; 3) community outreach is crucial so equity groups and the public understand the trade-offs and funding limitations;
4) queried if the program will yield best practices for land use and transit similar to what other agencies utilize; and 5) expressed the importance of regional shared planning and partnerships around land use.

On order of Chairperson Chavez and there being no objection, the Board received an overview of the Transit Ridership Improvement Program (TRIP) work plan for 2016.

8. OTHER ITEMS

8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

8.2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

8.2.A. VTA Standing Committees

- Governance and Audit Committee – The January 7, 2016, Minutes were accepted as contained in the Agenda Packet.

- Silicon Valley Rapid Transit Program Working Committee (SVRT PWC) – The January 11, 2016, Minutes were accepted as contained in the Agenda Packet.

- Congestion Management Program & Planning (CMPP) Committee – The January 21, 2016, Minutes were accepted as contained in the Agenda Packet.

- Administration & Finance (A&F) Committee – The January 21, 2016, Minutes were accepted as contained in the Agenda Packet.

- Transit Planning & Operations (TP&O) Committee – The January 21, 2016, Notice of Cancellation was accepted as contained in the Agenda Packet.

8.2.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) - The January 13, 2016, Minutes were accepted as contained in the Agenda Packet.

- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – The January 13, 2016, Minutes were accepted as contained in the Agenda Packet.

- Bicycle & Pedestrian Advisory Committee (BPAC) – The January 13, 2016, Minutes were accepted as contained in the Agenda Packet.

- Technical Advisory Committee (TAC) – The January 14, 2016, Minutes were accepted as contained in the Agenda Packet.
8.2.C. **VTA Policy Advisory Boards (PAB)**

- Downtown East Valley PAB – There was no report.
- Diridon Station Joint Policy Advisory Board – There was no report.
- El Camino Real Rapid Transit PAB – The January 27, 2016, Notice of Cancellation was accepted as contained in the Agenda Packet.
- State Route 85 Corridor PAB – The January 25, 2016, Minutes were accepted as contained on the dais.
- Peninsula Corridor JPB – The February 4, 2016, Summary Notes were accepted as contained on the dais.
- Capitol Corridor JPB – 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.
- SR 152 Mobility Partnership – There was no report.

8.3. **ANNOUNCEMENTS**

There were no Announcements.

9. **CLOSED SESSION**

9.1. **Recessed to Closed Session at 7:15 p.m.**

A. Existing Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(d)(1)]
   
   Name of Case: Santa Clara Valley Transportation Authority v. Fernandez, et al. (Dave’s Rally Wheels) (Santa Clara County Superior Court Case No.: 1-12-CV-237434)

B. Existing Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(d)(1)]
   
   Name of Case: Santa Clara Valley Transportation Authority v. Valencia, et al. (Santa Clara County Superior Court Case No.: 1-13-CV-238965)

C. (Removed from the Agenda)
Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(d)(1)]

Name of Case: Santa Clara Valley Transportation Authority v. Martina, et al. (Quat Tran) (Santa Clara County Superior Court Case No.: 1-12-CV-234287)

D. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(d)(1)]

Name of Cases: Santa Clara Valley Transportation Authority v. Montague Parkway Assoc., et al. (Santa Clara County Superior Court Case No.: 1-12-CV-220334) and related case: Montague Parkway Assoc., et al. v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No.: 1-15-CV-281544)

E. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:
Alberto Lara, Chief Administrative Officer

Unrepresented Employee:
General Manager

9.2. Reconvened to Open Session at 7:50 p.m.

9.3. Closed Session Report

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

Name of Case: Santa Clara Valley Transportation Authority v. Fernandez, et al. (Dave’s Rally Wheels) (Santa Clara County Superior Court Case No.: 1-12-CV-237434)

Rob Fabela, General Counsel, reported a settlement was reached with Mr. Fernandez in the amount of $202,100.

B. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(d)(1)]

Name of Case: Santa Clara Valley Transportation Authority v. Valencia, et al. (Santa Clara County Superior Court Case No.: 1-13-CV-238965)

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

D. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(d)(1)]

Name of Cases: Santa Clara Valley Transportation Authority v. Montague Parkway Assoc., et al. (Santa Clara County Superior Court Case No.: 1-12-CV-220334) and related case: Montague Parkway Assoc., et al. v. Santa
Mr. Fabela noted that no reportable action was taken during Closed Session.

E. Conference with Labor Negotiators  
[Government Code Section 54957.6]  
VTA Designated Representatives:  
Alberto Lara, Chief Administrative Officer  
Unrepresented Employee:  
General Manager  
Mr. Fabela noted Chairperson Chavez would report on Agenda Item 9.3.E. Conference with Labor Negotiators.

9.4. Modifications to Employment Contract with VTA General Manager

Chairperson Chavez reported the General Manager’s proposed contract amendments include: 1) 10 days of paid time off; and 2) an additional $20,000 towards the General Manager’s 401(k) account in lieu of a salary increase.

M/S/C (Matthews/Woodward) to adopt the Third Amendment to the employment contract between Santa Clara Valley Transportation Authority (VTA) and General Manager Nuria I. Fernandez (copy attached). The amendment provides for 10 days of paid time off and an additional $20,000 towards the General Manager’s 401(a) account, in lieu of a salary increase.

RESULT: APPROVED [UNANIMOUS]  
MOVER: Jamie Matthews, Board Member  
SECONDER: Perry Woodward, Board Member  
AYES: Baker, Bruins, Carrasco, Chavez, Esteves, Herrera, Khamis, Matthews, Nguyen, Woodward, Yeager  
NOES: None  
ABSENT: Liccardo

10. ADJOURNMENT

On order of Chairperson Chavez and there being no objection, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant  
VTA Office of the Board Secretary