BOARD OF DIRECTORS MEETING

Thursday, November 2, 2017

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 Bruins at 5:33 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>Jeannie Bruins</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Larry Carr</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Cindy Chavez</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>David Cortese</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Dev Davis</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Lan Diep</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Daniel Harney</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Glenn Hendricks</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Chappie Jones</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Johnny Khamis</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Sam Liccardo</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>John McAlister</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Bob Nunez</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Teresa O'Neill</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Raul Peralez</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Rob Rennie</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Savita Vaidhyanathan</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Board Member</td>
<td>Present</td>
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</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.
1.2. Orders of the Day

Chairperson Bruins stated that staff has requested Agenda Item #6.13., Contractor Selection for BART Phase II Corridor Transit-Oriented Development (TOD) Strategy Study, be deferred to a future meeting.

M/S/C (Hendricks/O’Neill) to accept the Orders of the Day.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ACCEPTED [UNANIMOUS] – Agenda Item #1.2</th>
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<tbody>
<tr>
<td>MOVER:</td>
<td>Glenn Hendricks, Board Member</td>
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<tr>
<td>SECONDER:</td>
<td>Teresa O’Neill, Board Member</td>
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<tr>
<td>AYES:</td>
<td>Bruins, Carr, Chavez, Davis, Hendricks, Jones, Liccardo, O'Neill,</td>
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<tr>
<td>NOES:</td>
<td>Peralez, Rennie</td>
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<tr>
<td>ABSENT:</td>
<td>Khamis, Yeager</td>
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2. AWARDS AND COMMENDATION

2.1. Community Partnership Recognition

The Board recognized Code for San José for being a valued VTA partner in data and community development. Co-Founder/Co-Captain Michelle Thong and Co-Captain Vivek Bansal accepted the recognition.

3. PUBLIC COMMENT

Jeff Ducker, Interested Citizen, expressed concern about lack of signage and communication on the light rail system during service interruptions, and requested signs be posted when a line has been shut down.

Ms. Marie, Interested Citizen, stated her wallet was stolen and expressed frustration about the following: 1) VTA logo was not visible on security officers’ uniform, and; 2) her case was not investigated.

Roland Lebrun, Interested Citizen, expressed concern about escalating violence on the light rail between Convention and the Civic Center. He suggested VTA put together a task force to investigate the matter.

Mr. Macdonald, Interested Citizen, expressed concern about undue harassment he experienced on VTA Route 23, and stated the matter needs to be addressed.

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

4.1. Silicon Valley Berryessa Extension (SVBX) Resolutions of Necessity

Ron Golem, Deputy Director of Real Estate, provided an overview of the staff report and provided a presentation entitled “BART Silicon Valley Berryessa Extension Project,” highlighting: 1) Project Map; 2) Resolution of Necessity Hearing; 3) Resolution of Necessity Property #1; 4) 847 Gibraltar Drive, Milpitas; 5) Resolution of Necessity Property #2; 6) 47817 Westinghouse Drive, Fremont; 7) Resolution of Necessity Property #3; 8) 47915 Westinghouse Drive, Fremont, and; 9) 47915 Westinghouse Drive, Fremont & 47817 Westinghouse Drive, Fremont.

M/S/C (Chavez/Hendricks) to close the Public Hearing.

RESULT: APPROVED [UNANIMOUS]
MOVER: Cindy Chavez, Board Member
SECONDER: Glenn Hendricks, Board Member
AYES: Bruins, Carr, Chavez, Davis, Hendricks, Jones, Liccardo, O’Neill, Peralez, Rennie
NOES: None
ABSENT: Khamis, Yeager

M/S/C (O’Neill/Chavez) to adopt Resolutions of Necessity Nos. 2017.11.32 (Property ID #B2566-02), 2017.11.33 (Property ID #B2567-02), and 2017.11.34 (Property ID #B2026A-02) determining that the public interest and necessity requires the acquisition of property interests from three properties, one located in Milpitas and two located in Fremont, and owned by: (1) Prologis-Exchange Milpitas LLC, a Delaware limited liability company; (2) BMC Inventories LLC, a California limited liability company; and (3) Burnsides Ventures, LLC for the BART Silicon Valley Berryessa Extension (SVBX) Project.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2017.11.34)**

B2026A-02 (APN 086-42-035) owned by Prologis-Exchange Milpitas LLC, a Delaware Limited Liability Company.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2017.11.32)**

B2566-02 (APN 519-1681-008) owned by BMC Inventories LLC, a California Limited Liability Company.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2017.11.33)**

B2567-02 (APN 519-1681-032) owned by Burnsides Ventures, LLC.
RESULT: ADOPTED [UNANIMOUS] – Agenda Item #4.1
MOVER: Teresa O’Neill, Board Member
SECONDER: Cindy Chavez, Board Member
AYES: Bruins, Carr, Chavez, Davis, Hendricks, Jones, Liccardo, O’Neill, Peralez, Rennie
NOES: None
ABSENT: Khamis, Yeager

5. COMMITTEE REPORTS

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

There was no Citizens Advisory Committee report.

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

Policy Advisory Committee (PAC) Chairperson Miller provided a brief report of the October 12, 2017, PAC meeting, highlighting the following: 1) the Committee was unable to reach a unanimous vote on State Transportation Improvement Program (STIP) Funding and expressed concern with the priority of projects in the North Bay Shore area and potentially Highway 85, and; 2) on the BART Fare Parking Policy, the Committee suggested consideration be given to integrating the new BART parking garage payment system with the Clipper Card.

5.3. Policy Advisory Board Chairpersons' Report

There was no Policy Advisory Board report.

6. CONSENT AGENDA

Chairperson Bruins reminded Board Members that Agenda Item #6.13., Contractor Selection for BART Phase II Corridor Transit-Oriented Development (TOD) Strategy Study, was deferred under Orders of the Day.

Chairperson Bruins stated the recommendation for Agenda Item #6.4., VTA/BART District Temporary Governance Negotiation Committee has been revised noting the new recommendation. Chairperson Bruins stated a further revision needs to be added to limit the number of alternates from two to one.

Alternate Board Member Rennie noted his recusal on Agenda Item #6.5., 2016 Measure B SR 85 Corridor Program Category Guidelines.

Vice Chairperson Liccardo noted his recusal on Agenda Item #6.10., Award of Bus Shelter Procurement Contract, and; Agenda Item #6.11., US 101/Zanker Road Interchange Project – PA/ED Services Contract with AECOM.

Board Member Chavez noted her recusal on Agenda Item #6.11., US 101/Zanker Road Interchange Project – PA/ED Services Contract with AECOM.
6.1. **Board of Directors Workshop Meeting Minutes of September 22, 2017**

M/S/C (Hendricks/Carr) to approve the Board of Directors Workshop Meeting Minutes of September 22, 2017.

6.2. **Joint Meeting of the Santa Clara Valley VTA Board of Directors and San Francisco BART District Board of Directors Meeting Minutes of September 28, 2017**

M/S/C (Hendricks/Carr) to approve the Joint VTA Board of Directors and BART Board of Directors Special Meeting Minutes of September 28, 2017.

6.3. **Board of Directors Workshop Meeting Minutes of October 5, 2017**

M/S/C (Hendricks/Carr) to approve the Board of Directors Workshop Meeting Minutes of October 5, 2017.

6.4. **VTA/BART District Temporary Governance Negotiation Committee**

M/S/C (Hendricks/Carr) to:  

a) establish the Santa Clara Valley Transportation Authority (VTA) / Bay Area Rapid Transit District (BART) Temporary (Ad Hoc) Negotiation Committee, with a charge to report back to the full Board, with the Board retaining direct jurisdiction over this matter in lieu of the standing committees.

b) to appoint Chair Jeannie Bruins, Vice Chair Sam Liccardo, Directors Cindy Chavez, and Teresa O’Neill as VTA’s representatives on this committee with Board Member Ken Yeager as the alternate member.

6.5. **2016 Measure B SR 85 Corridor Program Category Guidelines**

M/S/C (Hendricks/Carr) on a vote of 9 ayes to 1 recusal to adopt the 2016 Measure B SR 85 Corridor Program Category Guidelines. Alternate Board Member Rennie recused.

6.6. **2018 State Transportation Improvement Program**

M/S/C (Hendricks/Carr) to program 2018 State Transportation Improvement Program (STIP) funds to transportation projects in Santa Clara County; 2) **Adopt Resolution #2017.11.35** to program 2018 STIP capacity to projects; and 3) Authorize the General Manager to execute appropriate funding agreements to receive STIP funds.

6.7. **Approval of Bus Shelter Advertising Contract**

M/S/C (Hendricks/Carr) to authorize the General Manager to execute a contract and related amendments: (1) With Clear Channel Outdoor to manage the advertising program on VTA bus shelters for a four-year term beginning on January 1, 2018 and ending on December 31, 2021, with an option for VTA to extend the contract for one additional five-year period; and (2) Where applicable, with local agencies to maintain the placement of advertising bus shelters within their jurisdiction, and where available, to distribute a share of net advertising revenue to such local agencies.
6.8. **VTA Permit Fee Schedule**

M/S/C (Hendricks/Carr) to adopt Resolution #2017.11.36 amending the VTA Permit Fee Schedule to update fees to be collected for Construction Access Permits and Restricted Access Permits, based upon the update of VTA allocated rates for Fiscal Year 2018.

6.9. **Fiscal Year 2017 Statement of Revenues and Expenses for the Period Ending June 30, 2017.**

M/S/C (Hendricks/Carr) to review and accept the Fiscal Year 2017 Statement of Revenues and Expenses for the period ending June 30, 2017.

6.10. **Award of Bus Shelter Procurement Contract**

M/S/C (Hendricks/Carr) on a vote of 9 ayes to 1 recusal to authorize the General Manager to execute a contract with Brasco International, Inc., the selected vendor, in the amount of $1,516,600 for the fabrication and delivery of up to 141 new bus shelters and 216 matching bus stop benches. The term of this agreement is for two years. Vice Chairperson Liccardo recused.

6.11. **US 101/Zanker Road Interchange Project – PA/ED Services Contract with AECOM**

M/S/C (Hendricks/Carr) on a vote of 8 ayes to 2 recusals to authorize the General Manager to execute a contract amendment with AECOM to perform Project Approval/Environmental Documentation (PA/ED) services in an amount up to $1,090,000, increasing the not-to-exceed total contract value to $1,620,902 for the US 101/Zanker Road Interchange Project. Vice Chairperson Liccardo and Board Member Chavez recused.

6.12. **Capitol Expressway Light Rail (CELR) Phase II Property Acquisition**

M/S/C (Hendricks/Carr) to authorize the General Manager to:

1) Execute all documents required or VTA’s acquisition (or possession and use) of the requisite right-of-way for the Capitol Expressway Light Rail Phase II Project (“Project”), where:
   
   (a) the purchase price equals the statutory offer of just compensation established for the property and the purchase price exceeds the authority of the General Manager under Section 5-3 of the Administrative Code; or
   
   (b) the purchase price is within 15% above the statutory offer of just compensation established for the property; and

2) Execute all documents necessary to convey or assign easement rights or fee title, as applicable, to:

   (a) utility providers for replacement rights, along with requisite access rights, related to utility relocations; and
   
   (b) public agencies for the operation and maintenance
6.13. **(Deferred to a future Board meeting.)**

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.


M/S/C (Hendricks/Carr) to receive the 2017 Transportation Systems Monitoring Report.

6.15. **Phased Implementation Plan for Next Network and Related Efforts in 2018**

M/S/C (Hendricks/Carr) to receive a report on the phased implementation of the FY18 & FY19 “Next Network” Transit Service Plan and related efforts in 2018.


6.17. **Legislative Update**

M/S/C (Hendricks/Carr) to receive Legislative update.

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<tr>
<th>RESULT:</th>
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<tr>
<td>MOVER:</td>
<td>Glenn Hendricks, Board Member</td>
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<td>SECONDER:</td>
<td>Larry Carr, Board Member</td>
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<td>Peralez, Rennie</td>
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<th>RESULT:</th>
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<td>Khamis, Yeager</td>
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<tr>
<td>RECUSED:</td>
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RESULT:  APPROVED – Agenda Item 6.10  
MOVER:  Glenn Hendricks, Board Member  
SECONDER:  Larry Carr, Board Member  
AYES:  Bruins, Carr, Chavez, Davis, Hendricks, Jones, O’Neill, Peralez, Rennie  
NOES:  None  
ABSENT:  Khamis, Yeager  
RECUSED:  Liccardo

RESULT:  APPROVED – Agenda Item 6.11  
MOVER:  Glenn Hendricks, Board Member  
SECONDER:  Larry Carr, Board Member  
AYES:  Bruins, Carr, Davis, Hendricks, Jones, O’Neill, Peralez, Rennie  
NOES:  None  
ABSENT:  Khamis, Yeager  
RECUSED:  Chavez, Liccardo

RESULT:  DEFERRED - Agenda Item 6.13  
MOVER:  Glenn Hendricks, Board Member  
SECONDER:  Larry Carr, Board Member  
AYES:  Bruins, Carr, Chavez, Davis, Hendricks, Jones, Liccardo, O’Neill, Peralez, Rennie  
NOES:  None  
ABSENT:  Khamis, Yeager

Board Member Yeager arrived at the meeting and took his seat at 5:59 p.m.

7. REGULAR AGENDA

Administration and Finance Committee

7.1. Approval of Parking Program for Milpitas and Berryessa/North San Jose Transit Centers

Mr. Golem introduced Erica Rose, Silicon Valley Berryessa Extension (SVBX) Project Training Office, and provided an overview of the staff report and a presentation entitled “VTA’s BART Silicon Valley Berryessa Extension Project Parking Program,” highlighting: 1) Topics; 2) Milpitas Transit Center Parking Structure; 3) Berryessa/North San Jose Transit Center Parking Structure; 4) System Overview; 5) Parking Access and Revenue Collection System; 6) Revenue Collection; 7) Parking Payment Options; 8) Peer Agency Review; 9) Some Key Considerations for Transit Centers Parking; 10) Proposed Fees at Start of BART
Revenue Service; 11) Recommended Parking Program Management; 12) Next Steps; 13) Current BART Parking Rates, and; 14) Title VI Parking Fee Survey.

Members of the Board and staff discussed the following: 1) reading missing or damaged license plates, and; 2) 30-day video retention policy as it relates to parking citations.

Public Comment

Mr. Lebrun commented on the following: 1) suggested using an autonomous electric vehicle for demonstration in the presentation; 2) encouraged using “Smart Garage” parking technology which helps locate vehicles, and; 3) Clipper 2.0 Upgrades.

M/S/C (Hendricks/Jones) to approve the proposed parking program for the two new Transit Centers at Milpitas and Berryessa/North San Jose, including rates and procedures for rate changes.

RESULT: APPROVED – [UNANIMOUS] Agenda Item #7.1
MOVER: Glenn Hendricks, Board Member
SECONDER: Chappie Jones, Board Member
AYES: Bruins, Carr, Chavez, Davis, Hendricks, Jones, Liccardo, O'Neill, Peralez, Rennie, Yeager
NOES: None
ABSENT: Khamis

8. OTHER ITEMS

8.1. General Manager Report

Ms. Fernandez provided a report, highlighting the following: 1) VTA’s partnership with the East Side Union High School District’s Career Pathways Program and VTA staff’s visit to Independence High School; 2) VTA Breast Cancer Awareness Walk on Friday, October 27, 2017; 3) Rail Rehabilitation Program Update; 4) Electric Bus Delivery Update; 5) Regional Business Diversity Program outreach event to be held on November 9, 2017; 6) State Route (SR) 85 Transit Guideway Study Community Meetings, and; 7) Ridership statistics for the month of October.

Captain David Lera provided a brief security report and presentation, highlighting the following: 1) security statistics for October 2017; 2) rail safety operation on the Winchester Line during Rail Safety Month; 3) mutual aid for North Bay fire crisis, and; 4) participation in the Breast Cancer Awareness Month.
8.1.A. Government Affairs Update

Ms. Fernandez noted the Government Affairs Update was included in the Board Members’ reading folders and placed on the public table.

On order of Chairperson Bruins and there being no objection, the Board received the Government Affairs Update.

8.1.B. Silicon Valley Rapid Transit (SVRT) Program Update

Dennis Ratcliffe, Deputy Director, SVRT/BART Capital Program, provided the following updates: 1) Berryessa Extension Progress; 2) installation of fare gates, ticket vending machines and floor tiles at the Milpitas Station; 3) dynamic testing is underway along the full length of the 10-mile extension, and; 4) installation of wall and roof paneling at the Milpitas and Berryessa station.

Public Comment

Mr. Lebrun referenced the constructability of the Silicon Valley BART extension Phase II alignment suggesting the VTA Board of Directors should direct VTA staff to reach out to WSP UK to provide geotechnical engineering peer review of the entire tunneling project. He stated credibility has become an issue and indicated it may be appropriate to question whether VTA is the right team to deliver BART Phase II, or if responsibility for the project should be transferred to the San Jose Department of Transportation.

On order of Chairperson Bruins and there being no objection, the Board received the Silicon Valley Rapid Transit Update.

8.2. Chairperson's Report

Chairperson Bruins provided a brief report, noting: 1) 2018 Board Chairperson and Vice Chairperson selection process, and; 2) the next VTA Board of Directors’ meeting currently scheduled for Thursday, December 7, 2017, conflicts with a Caltrain meeting and may be rescheduled.

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 October 19, 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 - The October 20, 2017, Minutes were accepted as contained in the Agenda Packet.

8.4.B. VTA Advisory Committees

- Technical Advisory Committee (TAC) - The October 11, 2017, Minutes were accepted as contained in the Agenda Packet.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) - The October 11, 2017, Cancellation Notice was accepted as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) - The October 11, 2017, Cancellation Notice was accepted as contained in the Agenda Packet.
- Committee for Transportation Mobility and Accessibility (CTMA) - There was no report.
- Policy Advisory Committee (PAC) - The October 12, 2017, Minutes were accepted as contained in the Agenda Packet.

8.4.C. VTA Policy Advisory Boards (PAB)

- Eastridge to BART Regional Connector PAB (formerly Downtown East Valley PAB) - There was no report.
- State Route 85 Corridor PAB - There was no report.
- Diridon Station Joint Policy Advisory Board - The October 27, 2017, Cancellation Notice was accepted as contained in the Agenda Packet.
- 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 November 2, 2017, 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.
8.5. **Announcements**

There were no Announcements.

9. **CLOSED SESSION**

9.1. **Recess to Closed Session at 6:39 p.m.**

    A. Conference with Legal Counsel - Anticipated Litigation

        [Government Code Section 54956(d)(2)]

        Significant Exposure to Litigation

        No. of Potential Cases: 1

    B. Conference with Legal Counsel - Existing Litigation

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

        Name of Case: Campbell v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No.: 16-CV-290819)

9.2. **Reconvene to Open Session at 6:54 p.m.**

9.3. **Closed Session Report**

    A. Conference with Legal Counsel - Anticipated Litigation

        [Government Code Section 54956(d)(2)]

        Significant Exposure to Litigation

        No. of Potential Cases: 1

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

    B. Conference with Legal Counsel - Existing Litigation

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

        Name of Case: Campbell v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No.: 16-CV-290819)

        Mr. Fabela reported the Board unanimously approved a settlement in the Case: Campbell v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No.: 16-CV-290819) in the amount of $75,000.
10. ADJOURNMENT

On order of Chairperson Bruins and there being no objection, the meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant
VTA Office of the Board Secretary