



BOARD OF DIRECTORS MEETING

Thursday, December 11, 2014

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Kalra 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

Attendee Name	Title	Status
Jason Baker	Board Member	Present
Xavier Campos	Board Member	Present
Larry Carr	Alternate Board Member	Absent
Cindy Chavez	Board Member	Present
Dave Cortese	Alternate Board Member	Absent
Jose Esteves	Board Member	Absent
Rose Herrera	Board Member	Absent
Ash Kalra	Chairperson	Present
Johnny Khamis	Board Member	Present
Rich Larsen	Alternate Board Member	Absent
Sam Liccardo	Ex-Officio	Absent
Jamie Matthews	Alternate Board Member	Present
Howard Miller	Alternate Board Member	Present
Gail A. Price	Board Member	Present
Donald Rocha	Board Member	Absent
David Whittum	Board Member	Present
Perry Woodward	Vice Chairperson	Present
Ken Yeager	Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Kalra welcomed Jason Baker as a Regular Board Member and Howard Miller as an Alternate Board Member representing the West Valley City Group.

1.2 Elections for Board Chairperson and Vice Chairperson for 2015

M/S/C (Matthews/Price) to nominate Vice Chairperson Woodward to serve as Board Chairperson for 2015.

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

M/S/C (Matthews/Yeager) to close nominations and elect Vice Chairperson Woodward to serve as the Board Chairperson for 2015.

M/S/C (Mathews /Yeager) to nominate Board Member Chavez to serve as Board Vice Chairperson for 2015.

M/S/C (Matthews/Price) to close nominations and elect Board Member Chavez to serve as Board Vice Chairperson for 2015.

1.3 Orders of the Day and Approval of the Consent Agenda

Chairperson Kalra called attention to the Addendum to the Closed Session of **Agenda Item #9.1.A.X**, Conference with Legal Counsel regarding existing litigation.

Chairperson Kalra noted staff's request for changes to **Agenda Item #6.7**, Amendments to Administrative Code and Board Rules of Procedure, amending the language in section 7-2(a)(4) to add the word "Division" before "Directors" to read "Division Chiefs/Division Directors."

Chairperson Kalra also requested the following changes to the order of the Agenda: 1) **Agenda Item #7**, Regular Agenda follow **Agenda Item #4**, Public Hearing and; and 2) **Agenda Item #5.4**, Chairperson's Report, be heard before **Agenda Item #5.3**, General Manager's Report.

M/S/C (Price/Matthews) to approve the Orders of the Day and the Consent Agenda.

RESULT:	ADOPTED [UNANIMOUS] (<u>Orders of the Day, Consent Agenda Items #: 6.1-6.16</u>)
MOVER:	Price
SECONDER:	Matthews
AYES:	Baker, Campos, Chavez, Matthews, Price, Whittum, Yeager, Woodward, Kalra
NOES:	None
ABSENT:	Khamis, Herrera, Rocha

Board Member Khamis arrived at the meeting and took his seat at 5:39 p.m.

2. AWARDS AND COMMENDATION

2.1 Resolutions of Appreciation for Outgoing Board Members

Vice Chairperson Woodward presented Resolutions of Appreciation to outgoing Board Members Campos, Pirzynski, and Price.

Board Member Price expressed her appreciation to VTA Board and staff for the opportunity to work as an employee of VTA as well as serve as a member of the Board.

Board Member Campos thanked VTA for allowing him to serve as a Board Member. He expressed appreciation of the great work that has been done and is in progress.

Former Board Member Pirzynski thanked the community and VTA staff for their work and expressed appreciation for being allowed to serve as a member of the Board.

M/S/C (Matthews/Chavez) to adopt Resolution of Appreciation No. 2014.12.29 for outgoing Board Member Price.

M/S/C (Matthews/Chavez) to adopt Resolution of Appreciation No. 2014.12.30 for outgoing Board Member Campos.

M/S/C (Matthews/Chavez) to adopt Resolution of Appreciation No. 2014.12.31 for outgoing Board Member Pirzynski.

RESULT:	ADOPTED [UNANIMOUS] (<u>Agenda Item 2.1</u>)
MOVER:	Matthews
SECONDER:	Chavez
AYES:	Baker, Campos, Chavez, Khamis, Matthews, Price, Whittum, Yeager, Woodward, Kalra
NOES:	None
ABSENT:	Herrera, Rocha

Board Member Herrera took her seat at 5:47 p.m.

3. PUBLIC COMMENT

There was no public comment.

4. PUBLIC HEARINGS

4.1 HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTION OF NECESSITY

Bijal Patel, Deputy Director, Real Estate, provided a brief presentation, highlighting: 1) Project map; 2) Resolution of Necessity hearing; 3) Resolution of Necessity property; and 4) GI Gummow Business Park, LLC.

M/S/C (Matthews/Chavez) to close hearing.

M/S/C (Matthews/Herrera) to adopt **Resolution of Necessity No. 2014.12.32** determining that the public interest and necessity require the acquisition of property interests in property owned by GI Gummow Business Park, LLC and located in San Jose, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project.

Property ID/Assessor's Parcel Number/Owner

B3060 (APN 254-02-059) owned by GI Gummow Business Park, LLC, a California limited liability company

4.2 Peninsula Corridor Joint Powers Board (PCJPB)

Board Member Whittum disclosed he resides within 500 feet of the Caltrain Right-of-Way. He noted that he discussed the issue with Counsel and determined that it does not preclude him from participating in the discussion of this item.

Michael J. Smith, Fiscal Resources Manager, provided a brief overview of the staff report.

Public Comment

Roland LeBrun, Interested Citizen, expressed his support and appreciation for Caltrain service.

Scott Lane, Interested Citizen, expressed appreciation for Caltrain and building dedicated funding.

M/S/C (Herrera/Matthews) to close hearing.

M/S/C (Herrera/Matthews) to adopt **Resolution No. 2014.12.33**: (1) that the VTA Board, subsequent to a public hearing, has made a finding that the financing to be issued by the Peninsula Corridor Joint Powers Board (PCJPB) will result in significant public benefits and serves a public purpose and, (2) approving the issuance by PCJPB of \$11 million of Farebox Revenue Bonds to fund a portion of the associated costs of acquiring and refurbishing 16 rail cars and paying certain related capital costs.

The Agenda was taken out of order.

6. CONSENT AGENDA

6.1. Board of Directors Regular Meeting Minutes of November 6, 2014

M/S/C (Matthews/Price) to approve the Board of Directors Regular Meeting Minutes of November 6, 2014.

6.2. Fiscal Year 2015 Quarterly Statement of Revenues and Expenses

M/S/C (Matthews/Price) to review and accept the Fiscal Year 2015 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2014.

6.3. Gillig Bus Parts for the VTA Bus Fleet

M/S/C (Matthews/Price) to authorize the General Manager to execute a five-year bus parts contract with Gillig, LLC in an amount of up to \$1,095,480 for the projected five year period, for the purpose of supplying various Gillig bus parts for the VTA bus fleet.

6.4. Amended Conflict of Interest Code

M/S/C (Matthews/Price) to adopt the amended Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and its Appendix of Designated Positions and Disclosure Categories and direct the Board Secretary to submit the revised Conflict of Interest Code and the list of designated positions to the Santa Clara County Board of Supervisors for approval.

6.5. I-680 Corridor Study

M/S/C (Matthews/Price) to authorize the General Manager to execute a contract with HMH Engineers for transportation planning and engineering services for an amount up to \$378,605 for the I-680 Corridor Study covering I-680 within Santa Clara County from the Alameda County line to US 101.

6.6. Contracts and Task Order Agreements with Identified Technology Firms

M/S/C (Matthews/Price) to authorize the General Manager to enter into contracts and task order agreements with identified technology firms for consulting and support services. Each contract shall be for a maximum three-year period, with an option for two additional years with an aggregate value not to exceed \$5,750,000 for all contracts.

6.7. VTA Administrative Code and the Board Rules of Procedure

M/S/C (Matthews/Price) to adopt **Resolution No. 2014.12.34** amending the VTA Administrative Code and the Board Rules of Procedure, as indicated, effective January 1, 2015, as amended.

6.8. 2015 Legislative Program

M/S/C (Matthews/Price) to approve the 2015 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

6.9. Fiscal Year 2014 CAFR and Financial Reports

M/S/C (Matthews/Price) to review and receive the audited CAFR for the VTA, and the Financial Reports for ATU Pension Plan and Retirees' OPEB Trust (both referred to as Trusts) for Fiscal Year 2014.

6.10. Highway Safety Improvement Program (HSIP) funds – Capitol Expressway Pedestrian Connection to Eastridge

M/S/C (Matthews/Price) to adopt **Resolution No. 2014.12.35** authorizing the General Manager to file and execute grant agreements and other necessary documents with the State of California Department of Transportation (Caltrans) in order to receive Highway Safety Improvement Program (HSIP) funds to construct the Capitol Expressway - Pedestrian Connection to Eastridge project.

6.11. Santa Clara County Vehicle Registration Fee

M/S/C (Matthews/Price) to review the status of ongoing Santa Clara County Vehicle Registration Fee activity and approve the programming of an additional \$102,000 of Countywide Program Intelligent Transportation System funds to Santa Clara County's Installation of Pedestrian Detection Sensors project.

6.12. Transportation Fund for Clean Air (TFCA) Program Manager Fund

M/S/C (Matthews/Price) to reapprove the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund without change and review the status of ongoing Santa Clara County TFCA projects.

6.13. Proactive CMP Quarterly Report for July-September 2014

M/S/C (Matthews/Price) to receive the Proactive CMP Quarterly Report for July-September 2014.

6.14. Stevens Creek BRT Project and Rapid 523

M/S/C (Matthews/Price) to receive update on Stevens Creek BRT Project and plans for Rapid 523.

6.15. Bicycle Expenditure Program (BEP) Semi Annual Report

M/S/C (Matthews/Price) to receive a status report on the Semi-Annual Update of Bicycle Expenditure Program (BEP) projects.

6.16. Priority Development Area (PDA) Investment and Growth Strategy

M/S/C (Matthews/Price) to receive the Priority Development Area (PDA) Investment and Growth Strategy, Second Report, as a requirement of receiving future grant funding.

7. REGULAR AGENDA

7.1. Amended and Restated Ordinance 98.1, Vehicles and Facilities

Ms. Patel provided a brief overview of the report and a presentation highlighting: 1) Background; 2) Reason for amendment; 3) Summary of key changes; 4) Board review process; 5) Public comments after October 2, 2014; and 6) Next steps.

Public Comment

Satnam Gill, Amalgamated Transit Union Local 265 (ATU), expressed concern with safety not being addressed in the ordinance.

At the request of Board Member Chavez, Ms. Patel addressed Mr. Gill's concerns and noted the policy will be brought back to the Board in January 2015 and will address how private shuttle companies can utilize facilities and the safety records they will need to provide.

Board Member Herrera questioned the ramifications of letting shuttles use facilities noting the importance of moving forward and addressing specific issues the next phase.

Chairperson Kalra noted safety will be a focus and addressed in contracts as this moves forward.

Board Member Chavez thanked staff for being responsive to questions that have been presented.

M/S/C (Chavez/Matthews) to (a) Introduce Amended and Restated Ordinance 98.1, Vehicles and Facilities, in the form attached hereto as Attachment A, as revised since it was first introduced on October 2, 2014, which updates references to relevant California statutes, adds restrictions that align with current issues faced by the VTA, updates references to the Santa Clara Valley Transportation Authority's name, updates provisions regulating the conduct of passengers on transit vehicles and facilities, and clarifies the conditions by which third parties may enter and use parking lots, stations and other VTA facilities; (b) Consider the proposed and revised Amended and Restated Ordinance 98.1; and (c) Direct that Amended and Restated Ordinance 98.1 be placed on the agenda for the next regularly scheduled Board meeting for adoption.

Administration and Finance Committee

7.2. Santa Clara Caltrain Station Pedestrian/Bicycle Tunnel Extension Project

Carolyn Gonot, Director of Engineering & Transportation Infrastructure and SVRT Program, provided a brief overview of the staff report.

Board Member Matthews commented on the safety improvements getting to and from the station.

Board Member Yeager thanked staff for their work and noted his enthusiasm and appreciation of the improvements.

Board Member Price expressed appreciation for work that has gone into project. She questioned if staff would be responding to the letter from SPUR inquiring about working with private developers on project design and with the San Jose Earthquakes to offer EcoPasses to game attendees, tenants, and workers of commercial sites.

Ms. Gonot indicated staff will respond to the letter and will continue to work with SPUR and developers.

Board Member Herrera thanked Board Member Yeager, Alternate Board Member Matthews, and Ex-Officio Board Member Liccardo for their work on the project and helping build public/private partnerships to move the funding forward.

Public Comment

Mr. Lane expressed appreciation for the project and expressed the need to promote safety.

M/S/C (Matthews/Herrera) to approve the following actions: 1) authorize the use of 1996 Measure B funds to construct the Santa Clara Caltrain Station Pedestrian/Bicycle Tunnel Extension project; 2) augment the 1996 Measure B Transportation Improvement Program Fund Capital Budget by \$4,231,400; 3) augment the 2000 Measure A Transit Improvement Program Fund Capital Budget by \$2,324,532; 4) authorize the General Manager to execute a cooperative

agreement with the City of San Jose for the City's contribution to the project in the amount of \$5,973,000.

7.3. Title VI Fare Equity Analysis

Ali Hudda, Deputy Director, Accounting, provided a brief overview of the staff report.

Public Comment

Mr. Lane expressed appreciation for the change in the program which shows VTA can engage in growing San Jose and promote and increase outreach.

Board Member Chavez suggested staff think about strategic pricing as service is expanded, and to understand how usage and data look as strategies are broadened.

Board Member Price commented on the issues of fare equity analysis and of economic disparities in the valley and the importance to develop policies and practices to address them.

Nuria I. Fernandez, General Manager, thanked the Board for pointing out the demand and need to address fare policy. She noted staff will continue to look at other possibilities including where riders are and the types of services that need to be more flexible to address the community, which is one of the priorities for next year.

M/S/C (Chavez/Whittum) to adopt **Resolution No. 2014.12.36** amending Resolution 2009.06.15, Establishing Rates and Fares, to expand eligibility for Youth discount fares to include 18-year olds and permanently reduce pricing for Adult and Youth Day Pass tokens to 50% of the price of Adult and Youth Day Passes, and approve the Title VI Fare Equity Analysis.

7.4. El Camino Real Bus Rapid Transit Project Status Report

John Ristow, Director of Planning and Program Development, provided a brief overview of the staff report and a presentation, highlighting: 1) Presentation outline; 2) Project location; 3) Project chronology; 4) Purpose and need; 5) Two Bus Rapid Transit (BRT) street configurations; 6) El Camino Real corridor ridership; 7) Project costs; 8) Environmental analysis; 9) VTA transportation model; 10) Traffic impact study intersections; 11) Traffic diversion; 12) Travel times; 13) Parking inventory occupancy; 14) Parking versus bike lanes; 15) Unsignalized left turns from El Camino Real; 16) Project-Funded mitigations - Sunnyvale; 17) Other mitigations; 18) North/South bus study; 19) Public, community, stakeholder input; 20) Outreach for Environmental Impact Report (DEIR)/Environmental Analysis (EA); and 21) What results mean for VTA.

Board Member Herrera left her seat at 6:45 p.m.

Board Member Whittum thanked staff for their efforts and outreach to the community. He provided comment on predicted traffic impacts, possibility of grade separations, and freeing up funds for other projects if mixed flow option is chosen over a dedicated lane.

Board Member Yeager thanked staff for communicating with the community and capturing the public's thoughts about the project, providing facts, and dispelling myths.

Board Member Price expressed concern with any potential reallocation of funds noting the importance of thinking about current and future needs.

On order of Chairperson Kalra and there being no objection, the Board of Directors received the El Camino Real Bus Rapid Transit Project status report.

5. REPORTS

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

CAC Chairperson Hadaya provided a brief report and thanked staff and the Board for their work throughout the year. He thanked Chairperson Kalra for engaging the Advisory Committees in helping VTA reach its goals.

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

PAC Chairperson Miller provided a brief report highlighting: 1) AdHoc Envisioning Silicon Valley; 2) 2013 Regional Pavement Condition summary report; 3) Proactive CMP quarterly report; 4) appointment of nomination subcommittee to identify PAC chair and vice chair for 2015; and 5) importance of advisory committees, keeping them relevant, and finding interesting and exciting things for them to do.

5.4. Chairperson's Report

Chairperson Kalra provided a brief report highlighting; 1) Board established priorities to increase ridership and included his success in taking transit at least once per week; 2) bringing Bus Rapid Transit (BRT) to the County; 3) delivering VTA's BART Silicon Valley Extension; 4) providing excellent service to Levi's Stadium; and 5) building a more inclusive VTA.

Chairperson Kalra recognized the homelessness issue in Santa Clara County (County) and noted the steps VTA has taken to help address the problem and engage in discussions with the cities, County, and other stakeholders to identify possible solutions.

Chairperson Kalra thanked Ms. Fernandez and VTA staff for their assistance throughout the year and the public for being interested, engaged, and caring about what VTA is doing in the community.

5.4. A. VTA Board of Directors Meeting Schedule for Calendar Year 2015

M/S/C (Matthews/Price) to approve the VTA Board of Directors Meeting Schedule for calendar year 2015.

5.4.B. Levi's Stadium Transit Program Committee Report

Chairperson Kalra provided a brief report noting there is a significant funding gap between revenue and costs of service to Levi's Stadium. He

noted staff will work with the City of Santa Clara and the 49ers on ways to continue to bridge funding gap.

5.3. General Manager's Report

Ms. Fernandez provided an overview of her first full year as General Manager, highlighting: 1) Hack My Ride: VTA's Transportation Idea Jam; 2) inaugural service to Levi's Stadium; 3) launched Envision Silicon Valley; 4) broke ground on Bus Rapid Transit; 5) first place in the American Public Transportation Association (APTA) AdWheel contest for the Holiday Shopping light rail wrap; 6) redoubled safety efforts; 7) VTA's BART Silicon Valley Extension progress; and 8) continuing service for 2015.

Ms. Fernandez provided a report on activities that are being planned for the holiday season, including: 1) Stuff the Bus; 2) Holly Trolley; and 3) New Year's Eve Service.

Ms. Fernandez introduced the Capital Program Dashboard that has been designed to allow easy access by the public to information about active projects in VTA's various Capital Programs.

Carol Lawson, Fiscal Resources Manager, provided a brief demonstration of the dashboard highlighting the various functionalities and information provided. She noted the information on the dashboard will be updated on a quarterly basis and features will be added as the program continues.

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

Ms. Gonot provided a presentation, highlighting: 1) Current project activities - Milpitas; 2) Current project activities - San Jose; 3) SVBX Project integrated summary schedule; 4) SVBX cost summary; 5) Phase II community meetings; 6) Environmental process; 7) National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) and New Starts (Federal funding program) Milestone schedule; and 8) Phase II activities and community engagement.

Board Member Whittum commented on the land value being added around area with the addition of BART station. He questioned if VTA has the ability to look at arrangements with localities to capture that value.

Ms. Gonot indicated staff has the ability to do a transit benefit assessment and will continue to work on it and report back to the Board.

Public Comment

Danny Garza, Interested Citizen, expressed concern with security and safety of community and protection of Five Wounds Church during construction.

David Dickey, Interested Citizen, provided a brief history of the plans that have been made in the Five Wounds area for BART and light rail.

Joan Rivas-Cosby, Interested Citizen, expressed concern with possibility of 28th Street BART station being eliminated from VTA's BART project in San Jose.

Imelda Rodriguez, Interested Citizen, expressed concern with the disconnect between VTA and the community.

Bob Van Cleef, Interested Citizen, thanked staff for responding to community concerns and requested they continue working with the community.

David Viera, Interested Citizen, expressed concern with plans of not putting the Alum Rock BART station at 28th Street.

Larry Ames, Interested Citizen, expressed concern with the process of VTA changing plans without full engagement with the community.

Erin Healy, Interested Citizen, requested VTA retain station at 28th Street to continue to provide transportation in area, noting the urban village plan relies on the building of the BART station.

Mr. Lane expressed concern with VTA not including the community in the process or decision-making.

Cherise MaLebron, Interested Citizen, Working Partnerships USA, thanked the Board for hearing the communities concerns and requested transparency in the process, considering equity in priorities, and continued commitment to engage community.

Bruce Tichinin, Interested Citizen, Friends of the Three Creeks Trail, thanked the Board for funds to construct half of the trail and noted the need to complete the trail.

Virginia Sousa, Interested Citizen, expressed support of the BART station behind Five Wounds Church to Little Portugal neighborhood.

Omar Chatty, Interested Citizen, expressed support for BART around the bay and a one seat rail system.

Board Member Chavez thanked the staff for their presentations and for going back out to the community. She also noted appreciation of leadership in the neighborhood.

On order of Chairperson Kalra and there being no objection, the Committee received the Silicon Valley Rapid Transit program update.

5.3.B. Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities

Aaron Quigley, Senior Policy Advisor, provided a brief report, highlighting: 1) Caltrain funding plan; and 2) Caltrain Electrification project funding.

Board Member Chavez expressed concerned about the way this happened and requested an update and strategy for response.

Public Comment

Mr. LeBrun expressed concern with high speed rail.

Ms. Fernandez concluded her report noting the ridership and security reports were available on the dais and in the public packet.

8. OTHER ITEMS

8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Board Member Chavez requested staff to research what it would take to develop an underground authority.

Ms. Fernandez noted there is an opportunity to have that conversation and staff can initiate the dialogue. She noted this effort will be a coalition between agencies and utility companies.

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

8.2.A. VTA Standing Committees

- Congestion Management Program & Planning (CMPP) Committee – November 20, 2014, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Transit Planning & Operations (TP&O) Committee – November 20, 2014 Notice of Cancellation was accepted as contained in the Agenda Packet.

8.2.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) – There was no report.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – There was no report.
- Bicycle & Pedestrian Advisory Committee (BPAC) – There was no report.
- Technical Advisory Committee (TAC) – November 13, 2014 Minutes were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – There was no report.

8.2.C. VTA Policy Advisory Boards (PAB)

- Downtown East Valley PAB – There was no report.
- Diridon Station Joint Policy Advisory Board - November 21, 2014 Meeting minutes were accepted as contained on the dais.
- El Camino Real Rapid Transit PAB – There was no report.

8.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor JPB – December 4, 2014, Summary Notes were accepted as contained on the dais.
- Capitol Corridor JPB – November 19, 2014 Summary Notes were accepted as contained on the dais.
- Dumbarton Rail Corridor Policy Committee – There was no report.

- Metropolitan Transportation Commission (MTC) – November 19, 2014, Summary Notes were accepted as contained on the dais.
- 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 8:06 p.m.

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

Name of Case: Santa Clara Valley Transportation Authority v. San Jose V Investors, LLC (National Electronic Transport, Inc.)
(Santa Clara County Superior Court Case No.: 1-11- CV-208792)

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

Name of case: Karl Leier v. VTA
Santa Clara Superior Court Case No.: 1-13-CV-252172

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

Property: Property located at near the intersections of Inigo Way and La Avenida, in Mountain View, California (APN: 116-14-096)

Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management

Negotiating Parties: Gary Matsushita, VP of Operations, Computer History Museum

Under Negotiation: Price and terms of License Agreement for use of VTA Real Property

- C.** Conference with Labor Negotiators
[Government Code Section 54957.6]

Discussion of Substance Abuse Prevention Policy negotiations potential impasse, Last Best and Final Offer, and Imposition of Terms; and other issues related to labor negotiations.

VTA Designated Representatives

Bill Lopez, Director of Business Services

Robert L. Escobar, Deputy Director, Labor Relations

Raj Srinath, Chief Financial Officer

Employee Organization

Amalgamated Transit Union, Local 265

- D.** Public Employee Performance Evaluation
(Pursuant to Government Code Section 54957)

Title: General Manager

- 9.2.** Reconvened to Open Session at **8:37 p.m.**

- 9.3.** Closed Session Report

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

Name of Case: Santa Clara Valley Transportation Authority v. San Jose V Investors, LLC (National Electronic Transport, Inc.)
(Santa Clara County Superior Court Case No.: 1-11- CV-208792)

Robert Fabela, General Counsel, reported there was no reportable action taken in Closed Session.

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

Name of case: Karl Leier v. VTA
Santa Clara Superior Court Case No.: 1-13-CV-252172

Mr. Fabela reported there was no reportable action taken in Closed Session.

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

Property: Property located at near the intersections of Inigo Way and La Avenida, in Mountain View, California (APN: 116-14-096)

Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management

Negotiating Parties: Gary Matsushita, VP of Operations, Computer History Museum

Under Negotiation: Price and terms of License Agreement for use of VTA Real Property

Mr. Fabela reported there was no reportable action taken in Closed Session.

- C.** Conference with Labor Negotiators
[Government Code Section 54957.6]

Discussion of Substance Abuse Prevention Policy negotiations potential impasse, Last Best and Final Offer, and Imposition of Terms; and other issues related to labor negotiations.

VTA Designated Representatives

Bill Lopez, Director of Business Services

Robert L. Escobar, Deputy Director, Labor Relations
Raj Srinath, Chief Financial Officer

Employee Organization

Amalgamated Transit Union, Local 265

Mr. Fabela reported Chairperson Kalra, Vice Chairperson Woodward, and Board Members Whittum, Khamis, Campos, Baker, Matthews, Price, and Chavez, heard the issue on the Substance Abuse Policy agreement and on a unanimous vote, authorized VTA to enter into a negotiated agreement with Amalgamated Transit Union (ATU), Local 265.

D. Public Employee Performance Evaluation
(Pursuant to Government Code Section 54957)

Title: General Manager

Mr. Fabela reported there was no reportable action taken in Closed Session.

10. ADJOURNMENT

On order of Chairperson Kalra and there being no objection, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary