

BOARD OF DIRECTORS MEETING

Thursday, March 2, 2023

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 Burt at 5:32 p.m. in the Conference Room B-106, Building B, Valley Transportation Authority Administration Facilities, 3331 North First Street, San Jose, California and via video and teleconference. In addition, the meeting was held at one teleconference location at Grant Park, Room 4, 1575 Holt Avenue, Los Altos, California 94024 pursuant to Government Code § 54953(b).

1.1. ROLL CALL

| Attendee Name | Title | Status |
|-----------------------|------------------------|---------|
| Margaret Abe-Koga | Ex-Officio Member | Present |
| Marie Blankley | Board Member | Present |
| Pat Burt | Chairperson | Present |
| Cindy Chavez | Vice Chairperson | Present |
| Dev Davis | Board Member | Present |
| Omar Din | Board Member | Present |
| Pam Foley | Board Member | Present |
| Sudhanshu "Suds" Jain | Board Member | Present |
| Sergio Jimenez | Board Member | Present |
| Rosemary Kamei | Alternate Board Member | Present |
| Otto Lee | Board Member | Present |
| Lynette Lee Eng** | Alternate Board Member | Present |
| Sergio Lopez | Board Member | Present |
| Matt Mahan | Board Member | Present |
| Carmen Montano | Alternate Board Member | Present |
| Rob Rennie | Alternate Board Member | Absent |
| Omar Torres | Board Member | Present |
| Mark Turner | Alternate Board Member | Absent |

* Alternates do not serve unless participating as a Member.

**Participated remotely.

A quorum was present.

1.2. Orders of the Day

Chairperson Burt referenced the revised Agenda and noted that **Agenda Item #7.1**, BART Operations Control Center (OCC), has been changed to an Information Item.

Chairperson Burt indicated staff's request to remove Property ID #B4201 owned by Altavan Enterprises 1 LLC from **Agenda Item #4.1**, Resolutions of Necessity for the BART Silicon Valley Phase II Project (BSVII). An agreement was reached with the property owner.

M/S/C (Chavez/Din) to accept the Orders of the Day.

| | |
|------------------|---|
| RESULT: | ACCEPTED – Agenda Item #1.2 - Orders of the Day |
| MOVER: | Cindy Chavez, Vice Chairperson |
| SECONDER: | Omar Din, Board Member |
| AYES: | Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres |
| NOES: | None |
| ABSENT: | None |

2. AWARDS AND COMMENDATION

There were no Awards and Commendations.

The Agenda was taken out of order.

4. PUBLIC HEARINGS

4.1 Resolutions of Necessity for the BART Silicon Valley Phase II Project (BSVII): Property ID #s B3038, B3121, B3304, B4065, and B4201

Ron Golem, Director of Real Estate & Transit Oriented Development, provided a presentation entitled “VTA’S BART Silicon Valley Extension Phase II Project (BSV II): Resolution of Necessity Hearing.”

The following Board of Directors representing the City of San Jose stated that per Government Code Section 1091.5.A9, they do not have financial interest on the Property B3038 (APN No.:261-03-056) owned by The City of San Jose and are therefore allowed to vote:

- Sergio Jimenez
- Matt Mahan
- Dev Davis
- Pam foley
- Omar Torres
- Omar Din, as a staff person of a City of San Jose Council Member

M/S/C (Din/Foley) to close hearing and adopt **Resolutions of Necessity Nos. 2023.03.13 - 2023.03.16** determining that the public interest and necessity require the acquisitions of real property interests on properties located in the City of San

Jose owned respectively by (1) The City of San Jose; (2) AE San Jose Property LLC; (3) Brianna Brown and Monique Brown, Co-Trustees of the Michelle F. Brown 2014 Revocable Living Trust; and (4) Brendan Smith-Bentley and Mystique Smith-Bentley, Trustees of the Smith-Bentley Family Trust; for VTA's BART Silicon Valley Phase II Project.

Property ID/Assessor's Parcel Number/Owner (Resolution No. 2023.03.13)

B3038 (APN No.:261-03-056) owned by The City of San Jose,

Property ID/Assessor's Parcel Number/Owner (Resolution No. 2023.03.14)

B3121 (APN No.:467-09-044) owned by AE San Jose Property LLC,

Property ID/Assessor's Parcel Number/Owner 9Resolution No. 0313.03.15)

B3304 (APN No.:261-01-075) owned by Brianna Brown and Monique Brown, Co-Trustees of the Michelle F. Brown 2014 Revocable Living Trust,

Property ID/Assessor's Parcel Number/Owner (Resolution No. 2023.03.16)

B4065 (APN No.:261-01-064) owned by Brendan Smith-Bentley and Mystique Smith-Bentley, Trustees of the Smith-Bentley Family Trust,

Property ID/Assessor's Parcel Number/Owner (Removed)

B4201 (APN No.:261-01-107) owned by Altavan Enterprises 1 LLC.

| | |
|------------------|---|
| RESULT: | ADOPTED – Agenda Item #4.1 |
| MOVER: | Omar Din, Board Member |
| SECONDER: | Pam Foley, Board Member |
| AYES: | Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres |
| NOES: | None |
| ABSENT: | None |

5. REPORTS

5.1. Committee Reports

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

Citizens Advisory Committee (CAC) Chairperson Miller provided a report on the February 8, 2023, CAC meeting. He noted that the next in-person meeting is scheduled on March 8, 2023.

5.1.B. Policy Advisory Committee (PAC) Chairperson's Report

Chairperson Burt noted the Policy Advisory Committee (PAC) Chairperson's report was included in the online packet.

5.1.C. Bicycle & Pedestrian Advisory Committee (BPAC) Chairperson's Report

Chairperson Burt noted the Bicycle & Pedestrian Advisory Committee (BPAC) Chairperson's report was posted in the online agenda packet.

5.1.D Standing Committee Chairpersons' Report

Chairperson Burt noted that both the Administration and Finance (A&F) Committee and Safety, Security, and Transit Planning & Operations Committee Chairpersons' reports were in the online agenda packet

5.1.E. Policy Advisory Board Chairpersons' Report

Chairperson Burt noted that there were no Policy Advisory Board Chairpersons' Reports.

3. PUBLIC COMMENT

Annie Marie, VTA Employee, commented on the City of San Jose's plans to convert the Santa Teresa light rail station into a safe parking spot for the unhoused. She expressed concern about the safety of the operators and urged VTA to consider those operators who live far away from work.

Eugene Bradley, Silicon Valley Transit User, commented about the following: 1) requested a written response to his comment on the Better Bus Stop program; 2) provide better technology to assist riders who are visually impaired; 3) a "You are here" sign on the map; and 4) would follow up with a letter.

5. REPORTS (continued)

5.2. General Manager Report

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) approval of the Section 218 Agreement with Social Security administration; 2) February 8, 2023, Bus Operation Graduation; 3) collectable VTA Trading Cards; 4) multiple activities planned on March 18, 2023, for Transit Diver Association Day; and 5) Marketing and Community Outreach activities.

5.2.A. Government Affairs Update

Ms. Gonot noted that the Government Affairs Update was in the online agenda packet.

Jim Lawson, Chief External Affairs Officer, referenced the Government Affairs Update, noting the joint meeting of the Senate and Assembly Transportation Committees on transit funding.

- **Federal Lobbyist Updates**

Steve Palmer, Van Scoyoc Associates, and Auke Mahar-Piersma, Cardinal Infrastructure, provided the "Federal Lobbyist Updates."

Discussion ensued about laying groundwork for transportation projects and funding.

Ms. Gonot thanked the presenters. She encouraged Board Members to reach out if they are interested in meeting with the VTA lobbyist.

5.2.B. Safety and Security Updates

Aston Greene, Chief of System Safety & Security Officer, provided a presentation on VTA's Monthly Crime Statistics and Trends.

Discussion ensued on the following: 1) leveraging funding resources and security details; 2) coordination with responding law enforcement partners; 3) prioritizing response to disturbances; 4) best use of resources on other than limited fare enforcement; 5) include annual comparison percentage of riders; and 6) to add a column showing monthly average of incidents.

Ms. Gonot noted the ridership report and security statistics were in the online agenda packet.

Public Comment

Ms. Ann Marie thanked Ms. Gonot and Mr. Greene for the report, and commented that assaults on operators were not included in the report.

On order of Chairperson Burt and there being no objection, the Board received the General Manager Report.

5.3. Chairperson's Report

Chairperson Burt encouraged Members of the Board to participate in a VTA Cerone Bus Yard Tour to be held this month.

Chairperson Burt provided a brief report on the Governance and Audit (G&A) Committee. He stated the G&A received an overview of the Auditor General's report on long term financial sustainability plan. The G&A is planning an in-depth study session in May 2023 to further discuss the plan.

On order of Chairperson Burt and there being no objection, the Board received the Chairperson's Report.

5.3.A. Committees Appointments

Board Member Jimenez left the meeting at 7:07 p.m.

Chairperson Burt referenced the slight change on the appointment for the SR 152 Mobility Partnership.

M/S/C (Chavez/ Burt) to approve the appointments of Board Members Marie Blankley, Fred Tovar, and Mark Turner to the Mobility Partnership.

| | |
|------------------|---|
| RESULT: | APPROVED – Agenda Item #5.3.A. |
| MOVER: | Cindy Chavez, Vice Chairperson |
| SECONDER: | Pat Burt, Chairperson |
| AYES: | Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Kamei, Lee, Lopez, Mahan, Torres |
| NOES: | None |
| ABSENT: | None |

6. CONSENT AGENDA

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. FY2023 Q2 Statement of Revenues & Expenses

M/S/C (Chavez/Din) to review and accept the Fiscal Year 2023 Statement of Revenues and Expenses for the period ending June 30, 2023.

6.2. S22143 Vasona Pedestrian Gates Phase 2

M/S/C (Chavez/Din) to authorize the General Manager/CEO to execute a contract with Rail Surveyors and Engineers, Inc. to perform engineering design services for implementing pedestrian gates at various light rail crossings. The contract is for a three-year period for a contract value of \$1,165,073.

**CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP)
COMMITTEE**

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

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)
COMMITTEE**

There were no items submitted for the Consent Agenda from the Safety, Security, and Transit Planning & Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

6.3. Response to 2022 Santa Clara County Civil Grand Jury Report: “If You Only Read the Ballot, You’re Being Duped.”

M/S/C (Chavez/Din) to approve the response to the 2022 Santa Clara County Civil Grand Jury Report: “If You Only Read the Ballot, You’re Being Duped.”

BOARD OF DIRECTORS

6.4. Regular Meeting Minutes of February 2, 2023

M/S/C (Chavez/Din) to approve the Regular Meeting Minutes of February 2, 2023.

6.5. Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

M/S/C (Chavez/Din) to receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

| | |
|------------------|---|
| RESULT: | APPROVED – Agenda Items #6.1 – 6.5 |
| MOVER: | Cindy Chavez, Vice Chairperson |
| SECONDER: | Omar Din, Board Member |
| AYES: | Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Kamei, Lee, Lopez, Mahan, Torres |
| NOES: | None |
| ABSENT: | None |

7. REGULAR AGENDA

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

7.1. Bay Area Rapid Transit (BART) Operations Control Center (OCC) Cost Sharing Agreement

Greg Richardson, Chief Financial Officer; and Evelyn Ho, Program Manager for BART Silicon Valley Extension Project, provided the staff presentation.

Board Member Davis left their seat at 7:25 p.m.

Board Member Foley left their seat at 7:27 p.m.

Discussion ensued on the following: 1) total cap expenditures for retrofit; 2) future maintenance costs and needs of OCC; 3) set up escrow account; 4) interval audits; 5) addressing challenges in the delivery and completion of the project; and 6) leverage for the completion of the project.

Public Comment

Mr. Bradley commented about budget overrun.

Mark DeLong, VTA Assistant Transportation Engineer, commented on the monthly check-in with the California Energy Commission (CEC) on portion funding and consistent draw down of funds.

On order of Chairperson Burt and there being no objection, the Board received the update on the Bay Area Rapid Transit (BART) Operations Control Center (OCC) Cost Sharing Agreement.

Board Members Davis and Foley returned to their seats at 7:40 p.m.

**CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP)
COMMITTEE**

There were no items submitted for the Regular Agenda from the Congestion Management Program and Planning Committee.

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)
COMMITTEE**

There were no items submitted for the Regular Agenda from the Safety, Security, and Transit Planning & Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

There were no items submitted for the Regular Agenda from the Governance and Audit Committee.

BOARD OF DIRECTORS

7.2. SB 129 Joint Labor-Management Committee Update

Jaye Bailey, Director of Policy & Compliance, and Steve Jovel, Transportation Superintendent - Service Management, provided an update on SB 129 Joint Labor-Management Committee, highlighting the following: 1) Mental Health Support Services; 2) Employee Support Efforts; 3) Healing & Remembrance; 4) Organizational Development; and 5) Upcoming Activities and Next Steps process in Spring through Winter 2023.

Discussion ensued on the following: 1) expressed appreciation and commended SB 129 Committee for their diligent work; 2) expressed support for addressing mental health issues; 3) allocation of funds; and 4) long term goals and resources to continue funding the program.

Chairperson Burt extended his appreciation to the Committee noting that with the collaboration of the leadership and the grassroots in this organization they can address these issues and impact the honor of this organization. He further stated to be proud of the work that they do.

On order of Chairperson Burt and there being no objection, the Board received the SB 129 Joint Labor Management Committee Update.

7.3. VTA's BART Silicon Valley Phase II Update

Gary Griggs, Chief BART Silicon Valley Program Officer, and Bernice Alaniz, Director of SVRT Business Operations, provided the following update on the VTA's BART Silicon Valley Phase II: 1) Contract Package 2 and Schedule; 2) project design development; 3) collaboration with Federal Transit Administration (FTA) for the Full Funding Grant Agreement (FFGA) process; 4) provide presentations at Committees, city councils, and task force meetings; and 5) hosting public meetings.

Members of the Board and staff discussed the following: 1) addressing impacts to small business during construction; 2) suggested staff present the business mitigation and outreach plans for small businesses; 2) transition process of the Diridon Station Joint Policy Advisory Board to become the Diridon Station Joint Powers Authority; and 3) challenges in coordinating and uniting partners in the Diridon Station project.

On order of Chairperson Burt and there being no objection, the Board received VTA's BART Silicon Valley Phase II Update.

8. OTHER ITEMS

8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Board Member Din expressed the need for additional transit service for students in the City of Sunnyvale to get to school and other educational resources.

Board Member Jain requested that any additional information pertaining to the agenda be provided to the Board Members two days before the Board meeting.

8.2. Announcements

Chairperson Burt reminded the Board of the Board Workshop Meeting on Friday, March 3, 2023, at 9:00 a.m., noting that the Workshop meeting will be held in-person in Conference Room B-106 at VTA Administration Offices, 3331 North First Street, San Jose, California.

8.3. Public Comment (Continued)

There was no Public Comment.

9. CLOSED SESSION

There were no closed session items.

10. ADJOURNMENT

On order of Chairperson Burt and there being no objection, the meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Reyne Jimeno, Board Assistant
VTA Office of the Board Secretary