

## BOARD OF DIRECTORS MEETING

Thursday, May 5, 2022

### MINUTES

#### 1. CALL TO ORDER AND ROLL CALL

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The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Chairperson Jones at 5:31 p.m. via video and teleconference.

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio	Present
Marie Blankley	Alternate Board Member	Present
Pat Burt	Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Board Member	Present
Rich Constantine	Vice Chairperson	Present
Dev Davis	Alternate Board Member	Absent
Glenn Hendricks	Board Member	Present
Sudhanshu "Suds" Jain	Board Member	Present
Sergio Jimenez	Board Member	Present
Charles "Chappie" Jones	Chairperson	Present
Otto Lee	Board Member	Present
Lynette Lee-Eng	Alternate Board Member	Present
Sam Liccardo	Board Member	Present
Carmen Montano	Alternate Member	Present
Darcy Paul	Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Alternate Board Member	Absent

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

**A quorum was present.**

Board Member Burt joined the video and teleconference meeting at 5:33 p.m.

Board Member Carrasco joined the video and teleconference meeting at  
5:40 p.m.

## 1.2. Orders of the Day

Chairperson Jones noted that the agenda was revised to include the amended language for **Agenda Item #7.7**, VTA's BART Silicon Valley Phase II Extension Project – Contract Package 2 Tunnel and Trackwork (Contract V20221) Progressive Design-Build Contract Award and **Closed Session Item #9.1.J.X**, Conference with Legal Counsel -- Existing Litigation for the Serafin Plancarte v. Santa Clara Valley Transportation Authority, Sarabdeep Singh Daula, Jasbir Bains, Case Number 21 CV381694.

Chairperson Jones noted staff's requests:

- Place the following items on the consent agenda: **Agenda Item #7.2**, Contract with Mark Thomas & Company, for the Bascom Avenue Complete Street Project; **Agenda Item #7.3**, Contract with Albion and **Agenda Item #7.4**, Contract with ESA for VTA's BART Silicon Valley Phase II Extension Project.
- Hear the contracts related to VTA's BART Silicon Valley Phase II Extension Project together. These are **Agenda Item #7.5**, contract amendments with HNTB/WSP Joint Venture and **Agenda Item #7.6**, MacDonald/PGH Wong Engineering Inc. Joint Venture together.
- Defer **Agenda Item #7.8**, Organizational Culture & Climate Transformation Contract with Deloitte Consulting, LLP., for organizational culture and climate transformation consulting services.

Chairperson Jones noted that the meeting would be adjourned in memory of former Secretary of Transportation Norman Mineta who passed away on May 3, 2022. Chairperson Jones noted Mr. Mineta's significant contributions to our community, transportation, and the United States.

A moment of silence was held for Secretary Norman Mineta.

M/S/C (**Constantine/Hendricks**) to accept the Orders of the Day.

<b>RESULT:</b>	<b>ACCEPTED Orders of the Day - Agenda Item #1.2</b>
<b>MOVER:</b>	Rich Constantine, Vice Chairperson
<b>SECONDER:</b>	Glenn Hendricks, Board Member
<b>AYES:</b>	Burt, Carrasco, Constantine, Hendricks, Jain, Jones, Lee, Luccardo, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Chavez, Jimenez

## **2. AWARDS AND COMMENDATION**

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### **2.1. Retirement Commendations**

The Board of Directors recognized Olivia McPhearson, Coach Operator, for 34 years of service.

The following VTA retirees were unable to attend the meeting and were recognized: David Aranda, Coach Operator, 34 years of service; Abrar Ahmad, Transportation Superintendent, 32 years of service; Robert Juarez, Transportation Supervisor, 32 years of service; Omar Kassa, Bus Dispatcher, 31 years of service; Eric Ozaki, Light Rail Vehicle Maintenance Foreperson, 31 years of service; Sergio Cruz, Coach Operator, 26 years of service.

Board Member Chavez joined the video and teleconference meeting  
at 5:40 p.m.

## **3. PUBLIC COMMENT**

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John Courtney, President, Amalgamated Transit Union (ATU) Local 265, provided the following comments: 1) positive labor negotiation regarding wage progression; 2) operator sign ups have been reduced from four to three per year; and 3) Seamless Bay Area.

Blair Beekman, Interested Citizen, commented on the following: 1) reduce Shotspotters; 2) biometric cameras and open conversation; and 3) place focus on centralizing light rail and bus service instead of automatic vehicle system for light rail.

## **4. PUBLIC HEARINGS**

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There were no Public Hearings.

## **5. REPORTS**

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### **5.1. Committee Reports**

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

There was no CAC Chairperson's Report.

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

There was no PAC Chairperson's Report.

#### **5.1.C. Standing Committee Chairpersons' Report**

Chairperson Jones noted that the Standing Committee Chairpersons' reports were available in the online agenda packet.

**5.1.D. Policy Advisory Board Chairpersons' Report**

Chairperson Jones noted that the Diridon Station Joint Policy Advisory Board report was available in the online agenda packet.

**5.1.E. Oversight Committee Chairperson's Report**

Chairperson Herrera provided a brief report on the 2016 Measure B Citizens' Oversight Committee (MBCOC) activities and noted that the committee will conduct its annual public hearing on May 25, 2022.

**Public Comment**

Mr. Beekman commented about BART bonds and project timeline for the Diridon Station.

Board Member Jimenez joined the video and teleconference meeting  
at 5:50 p.m.

**5.2. General Manager Report**

James Lawson, Chief External Affairs Officer, provided the General Manager Report, highlighting the following: 1) Covid-19 Vaccination Policy; 2) Bus Operator Graduation; 3) Climate Action and Adaptation Plan; and 4) Communications & Marketing activities.

**5.2.A. Caltrain Electrification Project**

Mr. Lawson introduced Michelle Bouchard, Acting Executive Director, and Casey Fromson, Chief Communications Officer.

Ms. Bouchard provided introductory remarks. Ms. Fromson provided an overview of the Caltrain Electrification Project including project timeline, milestones, project benefits, costs, and funding.

Board Member Hendricks and Mr. Lawson thanked Caltrain staff for their presentation.

**5.2.B Government Affairs Update**

Mr. Lawson provided updates on SB 197 (Becker) – Seamless Transit Transformation Act and AB 2181 (Berman) – Santa Clara Valley Transportation Authority: board of directors.

Upon inquiry of Board Members, Mr. Lawson indicated AB 2181 will be brought to the PAC at their May 2022 meeting and the June 2022 VTA Board of Directors meeting.

Board Member Peralez noted that his prior request of the Seamless Transit Transformation Act was for the Board to hear that the City of San Jose and the Santa Clara County Board of Supervisors have adopted its principles.

**Public Comment**

Mr. Courtney expressed opposition to SB197, urged the Board to support SB 1294 (Cortese), and commented about VTA's Vaccination Policy.

Mr. Lawson noted VTA submitted a support letter to California Senator David Cortese for SB 1294.

Adina Levin, Interested Citizen, expressed support for Seamless Bay Area and noted its goals.

Mr. Beekman expressed appreciation for the Caltrain Electrification Update and advocated for ideas for rail service that will connect Central Valley to the Bay Area.

Anne Marie, VTA Employee, expressed opposition to the VTA Vaccination Policy.

**5.3. Chairperson's Report**

Chairperson Jones announced that VTA was awarded the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for the biennial budget documents. Chairperson Jones noted that VTA budget document reflects the guidelines and program criteria established by the National Advisory Council on State and Local Budgeting and the GFOA's budgeting best practices.

Board Member Chavez left the video and teleconference at 6:25 p.m.

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**6. CONSENT AGENDA**

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Board Member Jain referred to **Agenda Item #6.1**, Cerone Division Propane Tank & Vaporizer Replacement, and asked about VTA's overall strategy for transitioning from fossil fuels to all electric. Ken Ronsse, Deputy Director, Rail & Facilities, explained why propane is the only feasible solutions at this time at the site. He noted there is a plan for better sustainability using electric and the on-going conversations with utilities to improve the grid at the site.

Board Member Burt requested staff conduct an environmental analysis for every major capital improvement project to determine climate impacts.

**Public Comment**

Mr. Beekman referenced **Agenda Item #6.4**, North San Jose Policy Changes and commented about open public policies, accountability, and community experience. He

also referenced **Agenda Item #6.3**, ZEB Transition Plan and expressed support for the plan and renewable energy ideas.

Board Member Liccardo noted his recusal on **Agenda Item 7.2.**, contract with Mark Thomas & Company, Inc.

#### **ADMINISTRATION AND FINANCE (A&F) COMMITTEE**

**6.1. Cerone Division Propane Tank & Vaporizer Replacement**

**M/S/C (Jain/Constantine)** to authorize the General Manager to execute a contract with the lowest responsive and responsible bidder, MBS Engineering, Inc., in the amount of \$1,295,000 for the construction of the Cerone Division Propane Tank & Vaporizer Replacement (C21049).

**6.2. Fiscal Year 2023 Transit Operations Insurance Program**

**M/S/C (Jain/Constantine)** to authorize the General Manager to purchase Property and Casualty insurance coverage renewing VTA's Transit Operations Insurance Program for Fiscal Year 2023 for an amount not to exceed \$5,000,000.

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

**6.3. ZEB Transition Plan**

**M/S/C (Jain/Constantine)** to adopt the Zero-Emission Buses (ZEB) Transition Plan so that VTA may meet new Federal Transit Administration requirements to be eligible to receive federal funding for zero-emission bus transition.

**6.4. North San Jose Policy Changes**

**M/S/C (Jain/Constantine)** to receive an update on Upcoming Changes to the North San José Area Development Policy and North San José Multimodal Improvement Plan.

#### **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**

**6.5. Extend the Term of the Initial 2016 Measure B Citizens' Oversight Committee Members**

**M/S/C (Jain/Constantine)** to extend the term of the following 2016 Measure B Measure B Citizens' Oversight Committee members to December 31, 2023 to allow them to serve a full four-year term: Rose Herrera; Christine Pfendt; Bonnie Packer and Ed Von Runnen.

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**BOARD OF DIRECTORS**

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**6.6. Subsequent Resolution to Continue Remote Board and Committee Meetings**

M/S/C (Jain/Constantine) to adopt a subsequent **Resolution No. 2022.05.19** authorizing the Santa Clara Valley Transportation Authority (VTA) Board of Directors and all standing, advisory, policy, oversight, steering, and interagency committees and subcommittees of the Board to continue to meet by remote teleconference, subject to the requirements of Assembly Bill 361 (Rivas).

**6.7. Regular Meeting Minutes of April 7, 2022**

M/S/C (Jain/Constantine) to approve the Regular Meeting Minutes of April 7, 2022.

**6.8. Special Meeting Minutes of April 22, 2022**

M/S/C (Jain/Constantine) to approve the Special Meeting Minutes of April 22, 2022.

**6.9. Workshop Meeting Minutes of April 22, 2022**

M/S/C (Jain/Constantine) to approve Workshop Meeting Minutes of April 22, 2022.

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

M/S/C (Jain/Constantine) to receive Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

**7.2. Bascom Avenue Complete Streets Project - Contract Award**

M/S/C (Jain/Constantine) on a vote of 10 ayes, 0 noes, 0 abstentions and 1 refusal to authorize the General Manager to execute a cost- plus-fixed fee contract with Mark Thomas & Company, Inc, to perform the Environmental Clearance and Final Plans Specifications and Estimate (PS&E) Engineering Services in an amount not to exceed \$4,432,000 for the Bascom Avenue Complete Street (I880 to Hamilton Avenue) Project. Board Member Liccardo recused.

**7.3. BART Silicon Valley Phase II Extension Project - Archaeological Resources Management Services Albion Environmental Inc.**

M/S/C (Jain/Constantine) to authorize the General Manager to execute a contract with Albion for an amount up to \$4,000,000 to provide archaeological resources management services to ensure environmental compliance for VTA's BART Silicon Valley Phase II Extension Project (BSVII Project).

**7.4. BART Silicon Valley Phase II Extension Project - Archaeological Resources Management Services Environmental Science Associates**

M/S/C (Jain/Constantine) to authorize the General Manager to execute a contract with ESA for an amount up to \$4,000,000 to provide archaeological resources management services to ensure environmental compliance for VTA's BART Silicon Valley Phase II Extension Project (BSVII Project).

<b>RESULT:</b>	<b>APPROVED - Agenda Items #6.1 – 6.10; #7.1, #7.3, #7.4</b>
<b>MOVER:</b>	Sudhanshu "Suds" Jain, Member
<b>SECONDER:</b>	Rich Constantine, Vice Chairperson
<b>AYES:</b>	Burt, Carrasco, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	Chavez

<b>RESULT:</b>	<b>APPROVED - Agenda Item #7.2</b>
<b>MOVER:</b>	Sudhanshu "Suds" Jain, Member
<b>SECONDER:</b>	Rich Constantine, Vice Chairperson
<b>AYES:</b>	Burt, Carrasco, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul, Peralez
<b>NOES:</b>	None
<b>RECUSAL:</b>	Liccardo
<b>ABSENT:</b>	Chavez

**7. REGULAR AGENDA**

<b>ADMINISTRATION AND FINANCE (A&amp;F) COMMITTEE</b>
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**7.1. Extension of Contract S17112 – Workers' Compensation Third-Party Administration Services and Contract S17113 – Workers' Compensation Managed Care Services**

Judith Harteau, Enterprise Risk Manager, provided a presentation on Tristar Risk Management and EK Health.

**Public Comment**

Mr. Courtney commented on the following: 1) thanked the Board for deferring this item from the February 2022 Board meeting; 2) coordinated discussion with the unions and Risk Management; and 3) return-to-work policies and transitional work programs.

Mr. Beekman commented on morale issues and good dialogue between unions and management.



Ms. Ruiz commented about the delay in providing professional mental health for those who requested it due to the vaccination mandate.

Discussion ensued on improving internal practices and policies in addressing claims and providing clear directions to the third-party administrator.

Greg Richardson, Chief Financial Officer, noted the need to compare matrix with other agencies relating to managing employees' claims.

**M/S/C (Constantine/Liccardo)** to authorize the General Manager to extend Contract S17112 with TriStar Risk Management for Workers' Compensation Third-Party Administration Services, and Contract S17113 with EK Health for Workers' Compensation Managed Care Services, by two (2) years with a new expiration date of June 30, 2024. The amount for the extension of Contract S17112 will not exceed \$2,554,343, resulting in a total contract price of \$7,814,443, and the amount of the extension of Contract S17113 will not exceed \$632,700, resulting in a total contract price of \$2,032,700.

<b>RESULT:</b>	<b>APPROVED - Agenda Item: #7.1</b>
<b>MOVER:</b>	Rich Constantine, Vice Chairperson
<b>SECONDER:</b>	Sam Liccardo, Board Member
<b>AYES:</b>	Burt, Carrasco, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Perales
<b>NOES:</b>	None
<b>ABSENT:</b>	Chavez

Board Member Carrasco left the video and teleconference at 6:54 p.m.

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

Authorize the General Manager to execute a cost- plus-fixed fee contract with Mark Thomas & Company, Inc, to perform the Environmental Clearance and Final Plans Specifications and Estimate (PS&E) Engineering Services in an amount not to exceed \$4,432,000 for the Bascom Avenue Complete Street (I880 to Hamilton Avenue) Project.

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

Authorize the General Manager to execute a contract with Albion for an amount up to \$4,000,000 to provide archaeological resources management services to ensure environmental compliance for VTA's BART Silicon Valley Phase II Extension Project (BSVII Project).

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

Authorize the General Manager to execute a contract with ESA for an amount up to \$4,000,000 to provide archaeological resources management services to ensure environmental compliance for VTA's BART Silicon Valley Phase II Extension Project (BSVII Project).

**Agenda Items #7.5 and #7.6 were heard together.**

**7.5.     VTA's BART Silicon Valley Phase II Extension - Program Management Services Contract Amendment: HNTB/WSP Joint Venture (S17017)**

**and**

**7.6     VTA's BART Silicon Valley Phase II Extension – General Engineering Services Contract Amendment: Mott MacDonald/PGH Wong Engineering Inc. Joint Venture (S18088)**

Takis Salpeas, BART Silicon Valley Extension Project Chief, provided an overview of VTA's BART Silicon Valley Phase II Extension - Program Management Services Contract Amendment: HNTB/WSP Joint Venture (S17017) and General Engineering Services Contract Amendment: Mott MacDonald/PGH Wong Engineering Inc. Joint Venture (S18088)

**Public Comment**

Mark Mollineaux, Interested Citizen, commented on the following: 1) supported BART Board of Directors concern on the direction of the project; 2) peer review for the project; and 3) future funding.

Mr. Beekman commented about the following: 1) road map to acceptable future transit service; 2) public oversight of the projects.

Discussion ensued on the following: 1) contingency funding; 2) independent peer review; 3) increased project cost; and 4) independent risk assessment.

**M/S/C (Jain/Hendricks)** on a vote of 9 ayes, 0 noes, 0 abstentions, and 1 recusal to authorize the General Manager/CEO to execute a contract amendment with the HNTB/WSP Joint Venture (Contract S17017) for an amount up to \$26,000,000, for a new total contract amount of up to \$139,432,350, and extend the contract by one year from July 1, 2022, to June 30, 2023, to continue providing Program Management services for VTA's BART Silicon Valley Phase II Extension (BSVII) Project. Board Member Liccardo recused.

<b>RESULT:</b>	<b>APPROVED - Agenda Item #7.5</b>
<b>MOVER:</b>	Sudhanshu “Suds” Jain, Board Member
<b>SECONDER:</b>	Glenn Hendricks, Board Member
<b>AYES:</b>	Burt, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul, Peralez
<b>NOES:</b>	None
<b>RECUSAL:</b>	Liccardo
<b>ABSENT:</b>	Carrasco, Chavez

**M/S/C (Jain/Hendricks)** on a vote of 8 ayes, 0 noes, 0 abstentions and 2 recusals to authorize the General Manager/CEO to execute a contract amendment with the Mott MacDonald/PGH Wong Engineering Inc. Joint Venture (Contract S18088) for an amount up to \$34,000,000, for a new total contract amount of up to \$196,840,000, to continue providing General Engineering services for VTA’s BART Silicon Valley Phase II Extension (BSVII) Project through June 30, 2023. Board Members Liccardo and Peralez recused.

<b>RESULT:</b>	<b>APPROVED - Agenda Item #7.6</b>
<b>MOVER:</b>	Sudhanshu “Suds” Jain, Board Member
<b>SECONDER:</b>	Glenn Hendricks, Board Member
<b>AYES:</b>	Burt, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul
<b>NOES:</b>	None
<b>RECUSAL:</b>	Liccardo, Peralez
<b>ABSENT:</b>	Carrasco, Chavez

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

*There were no items submitted for the Regular Agenda from the Congestion Management Program & 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 Governance and Audit Committee.*

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**BOARD OF DIRECTORS**

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**7.7. VTA's BART Silicon Valley Phase II Extension Project – Contract Package 2 Tunnel and Trackwork (Contract V20221) Progressive Design-Build Contract Award**

Mr. Takis provided a presentation entitled “VTA’s BART Silicon Valley Phase II Extension.”

**Public Comment**

Reyne Jimeno, Board Assistant, noted two written public comments were received on this item: 1) SPUR; and 2) Silicon Valley Leadership Group and Bay Area Council. These were posted to the VTA agenda portal and included in the agenda packet.

The following Interested Citizens expressed support for independent peer review; and expressed concern on the project design and costs.

- Nate Ulah, San Jose Downtown Association
- Scott Mace
- Mark Mallineaux
- Laura Tolkoff, SPUR
- Daniel Hulse
- James Kuszmaul
- Raayun
- Eugene Bradley
- Jordan Grimes

Mr. Beekman commented about the tunneling design.

Board Member Liccardo thanked the members of the community for their support of the memo submitted by Chairperson Jones, Board Member Peralez, and himself.

At the request of Board Member Burt, Mr. Salpeas expounded on the intent of the memo.

Board Member Jain requested the following for construction of BART Santa Clara station: 1) Public Information Display (PID) showing schedules of the train; and 2) modeling of people movement.

Discussion ensued on the following: 1) add the “independent peer review” in the language; and 2) staff to identify additional information needed for Board’s decision in October and what could be postponed.

**M/S/C (Liccardo/Peralez)** as amended to authorize the General Manager/CEO to execute a progressive-design build contract with Kiewit Shea Traylor (KST), a Joint Venture, in the amount of \$235,000,000 to perform Stage 1 services plus allowances in an amount not to exceed \$19,000,000 for surety bonds and initial early work packages, for VTA's BART Silicon Valley Phase II Extension Project: Contract Package 2 – Tunnel and Trackwork (Contract V20221). Amendment includes the recommendation noted in the letter by Chairperson Jones, Board Members Liccardo, Peralez with the addition of adding "independent peer review".

<b>RESULT:</b>	<b>APPROVED - Agenda Item #7.7 as amended</b>
<b>MOVER:</b>	San Liccardo, Board Member
<b>SECONDER:</b>	Raul Peralez, Board Member
<b>AYES:</b>	Burt, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
<b>NOES:</b>	None
<b>RECUSAL:</b>	None
<b>ABSENT:</b>	Carrasco, Chavez

**7.8. (Deferred)**

Authorize the General Manager to execute a contract with Deloitte Consulting, LLP., for organizational culture and climate transformation consulting services for a period of two (2) years in the amount of \$1,992,442.

**7.9. SB 129 Joint Labor Management Committee Update.**

Brandi Childress, Chief of Staff to the General Manager, reported the following: 1) 526 Resiliency Center dedication ceremony was held on April 26, 2022; 2) the center provides counselling services for employees to help them cope with stress and trauma; 3) employees and victims' families will be given an opportunity to visit the site before Guadalupe Building B is razed; 4) organizational culture and climate change contract work is on-going; 5) On May 26, 2022, there will be a one-year remembrance to honor the employees who were lost in the Guadalupe tragedy.

**On order of Chairperson Jones** and there being no objection, the Board received an update on SB 129 Joint Labor Management Committee.

## 8. OTHER ITEMS

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### 8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Board Member Hendricks requested staff to include AB 2181 (Berman) on the Governance and Audit Committee agenda.

### 8.2. Announcements

There were no Announcements.

### 8.3. Public Comment

There was no Public Comment.

## 9. CLOSED SESSION

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### Public Comment

Mr. Courtney noted he will be attending the VTA event on May 26, 2022. He added that the ATU Local 265 Campbell Office will be open that day to provide opportunity for everyone to be together and remember the fallen.

### 9.1. Recessed to Closed Session at 8:18 p.m.

Board Members Chavez entered closed session at 8:19 p.m.

#### A. Threat to Public Services or Facilities [Government Code Section 54957(a)]

Consultation with the following staff:  
Rich Bertalan, Technology Deputy Director  
Greg Richardson, Chief Financial Officer

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

Property: Portion of VTA Newhall Yard, 480 Brokaw Road, Santa Clara, CA, 95050, also known as APN 230-06-030

Agency Negotiator: Ron Golem, Director, Real Estate & Transit-Oriented Development

Negotiating Parties: April Worden, CEO/Owner, Cool Box Management, LLC, assignee of Cool Box Portable Equipment Rental & Sales, LLC

Under Negotiation: Short-term extension of existing ground lease agreement

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

Name of Case: Alaghmandan v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15265334)

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

Name of Case: Balleza v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ14897666)

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

Name of Case: Gonzales v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15076647)

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

Name of Case: Hernandez v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15836937)

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

Name of Case: Megia v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15826905) [Cheng]

Name of Case: Megia v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, A ADJ14952453) [Bercasio]

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

Name of Case: Romo v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ 14745130)

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

Name of Case: Rudometkin v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15444225)

**J. Conference with Legal Counsel - Anticipated Litigation**  
[Government Code Section 54956.9(d)(2)]

Significant Exposure to Litigation  
Worker's Compensation Claims Relating to Singh, Fritch, and Lane

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

Name of Case: Serafin Plancarte v. Santa Clara Valley Transportation  
Authority, Sarabdeep Singh Daula, Jasbir Bains, Case Number 21 CV381694)

**9.2. Reconvened to Open Session at 8:52 p.m.**

**9.3. Closed Session Report**

**A. Threat to Public Services or Facilities**  
[Government Code Section 54957(a)]

Consultation with the following staff:  
Rich Bertalan, Technology Deputy Director  
Greg Richardson, Chief Financial Officer

Evelynn Tran, General Counsel noted no reportable action was taken during Closed Session.

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

Property: Portion of VTA Newhall Yard, 480 Brokaw Road, Santa Clara, CA, 95050, also known as APN 230-06-030

Agency Negotiator: Ron Golem, Director, Real Estate & Transit-Oriented Development

Negotiating Parties: April Worden, CEO/Owner, Cool Box Management, LLC, assignee of Cool Box Portable Equipment Rental & Sales, LLC

Under Negotiation: Short-term extension of existing ground lease agreement

Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Alaghmandan v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15265334)

Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Balleza v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ14897666)



Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Gonzales v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15076647)

Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Hernandez v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15836937)

Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Megia v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15826905) [Cheng]

Name of Case: Megia v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, A ADJ14952453) [Bercasio]

Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Romo v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ 14745130)

Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Rudometkin v. Santa Clara Valley Transportation Authority  
(Workers Compensation Appeals Board, ADJ15444225)

Ms. Tran noted no reportable action was taken during Closed Session.

**J. Conference with Legal Counsel - Anticipated Litigation**  
[Government Code Section 54956.9(d)(2)]

Significant Exposure to Litigation  
Worker's Compensation Claims Relating to Singh, Fritch, and Lane

Ms. Tran noted no reportable action was taken during Closed Session.

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

Name of Case: Serafin Plancarte v. Santa Clara Valley Transportation Authority, Sarabdeep Singh Daula, Jasbir Bains, Case Number 21 CV381694)

Ms. Tran noted no reportable action was taken during Closed Session.

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**10. ADJOURNMENT**

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**On order of Chairperson Jones** and there being no objection, the meeting was adjourned in memory of Norman Y. Mineta at 8:54 p.m.

Respectfully submitted,

Reyne Jimeno, Board Assistant  
VTA Office of the Board Secretary