

## BOARD OF DIRECTORS MEETING

Thursday, May 4, 2023

### 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 Burt at 5:30 p.m. at the County Government Center, in the Board of Supervisors Chambers, 70 W. Hedding Street, San Jose, California and via video and teleconference. In addition, the meeting was held at one teleconference location at San Jose City Hall, Conference Room #1853, 18th Floor, 200 E. Santa Clara Street, San Jose, CA 94024 pursuant to Government Code § 54953(b).

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio Member	Absent
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	Absent
Rob Rennie	Alternate Board Member	Present
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 that reflected the following additions: 1) a teleconference meeting location, noting that Board Member Mahan joined the meeting remotely pursuant to Government Code Section 54953; 2) **Item #2.2.X** – Resolution of Appreciation for David Lera; and 3) **Item #5.1.E.X** – 2016 Measure B Citizens Watchdog Committee Chairperson’s Report.

Chairperson Burt noted staff’s request to hear together the two VTA BART Silicon Phase II-related items on the Regular Agenda, **Item #7.2** – Contract Amendment with HNTB and WSP, and **Item #7.3** – Contract Amendment with Mott MacDonald/PGH Wong Engineering.

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

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

## **2. AWARDS AND COMMENDATION**

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### **2.1 Retirement Commendations**

The Board of Directors recognized Andrew Pau, Transit Mechanic, for 36 years of service; and Daren Gee, Construction Contracts Administration Manager, for 28 years of service.

The following VTA retirees were unable to attend the meeting and were recognized for their service: John Cross, Transportation Supervisor, for 34 years of service; Tesfai Kidane, Fare Inspector, for 25 years of service; Eric McCarter, Coach Operator, for 25 years of service; and Sandeep Singh, Coach Operator, for 26 years of service.

### **2.2 Employees of the Quarter for the Second Quarter of 2023**

The Board of Directors recognized Employees of the Quarter for the Second Quarter of 2023: 1) Mark Greene, Equal Employment Opportunity (EEO) & Civil Rights Manager in the Policy and Compliance Department; Dinesh Paul, Bus Dispatcher in the Cerone Operations Department; Jerardo Causor, General Maintenance Mechanic in the Facilities Maintenance Department and James (Darrell) Smith, Management Analyst, Operations Analysis Reporting and Systems Department.

## **2.2.X Resolution of Appreciation for Retired Captain David Lera**

Board Member Mahan joined the meeting remotely at 5:50 p.m.

Vice Chairperson Chavez read the Resolution of Appreciation for Retired Captain David Lera.

**M/S/C (Lee/Jimenez)** to adopt **Resolution of Appreciation No. 2023.05.22** for retired Captain David Lera.

<b>RESULT:</b>	<b>ADOPTED – Agenda Item #2.2.X</b>
<b>MOVER:</b>	Otto Lee, Board Member
<b>SECONDER:</b>	Sergio Jimenez, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan
<b>NOES:</b>	None
<b>ABSENT:</b>	Torres

## **3. PUBLIC COMMENT**

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There was no Public Comment.

## **4. PUBLIC HEARINGS**

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### **4.1 Resolutions of Necessity for the I-280/Wolfe Road Interchange Improvement Project**

Ron Golem, Director of Real Estate & Transit Oriented Development; Gene Gonzalo, Engineering Group Manager – Highway Capital Program; and Jon Cacciotti, Consultant, provided a presentation entitled “VTA’s I-280 Wolfe Road Interchange Improvement Project – Resolution of Necessity Hearings.”

Chairperson Burt officially opened the public hearing for Property ID #64481 (APN No. 316-06-058 and 316-06-059) owned by IAC at Cupertino, LLC.

Mr. Golem provided an overview of the property and noted that letters from Allen Matkins Leck Gamble Mallory & Natsis were received and were included in the agenda packet.

Board Member Foley left her seat at 6:21 p.m.

### **Public Comment**

Nazani Temourian, Allen Matkins Leck Gamble Mallory & Natsis LLP, representative of property owner of IAC at Cupertino, LLC, at 19500 Pruneridge Avenue, Cupertino (Property ID #64481) provided comments about the following: 1) unresolved modifications on the project construction to lessen impacts to their

client's apartment complex; 2) analysis of project and whether it creates the least private injury; and 3) concerns regarding the property appraisals process.

Discussion ensued on the following: 1) appraisal and counteroffer negotiation; 2) installation of fencing materials as alternative to block wall; 3) least private injury; 4) appraisal on the value of the property and negotiation for compensation; 5) process after the Board approves the resolution; and 6) project schedule.

Mr. Golem provided an overview of Property ID # 64482 (APN No. 316-45-015) owned by Quito Hospitality Associates, LLC; BSL Family, LLC; and PMD, LLC

Board Member Foley returned to her seat at 6:25 p.m.

Mr. Golem provided an overview of Property ID #64483 (APN No. 316-47-019) owned by Chris Marches, Rosalie Cacitti, and Carmen Ruso, as Co-Trustees of the Rosalie Cacitti Family Trust. He noted that letters from Zacks & Freedman, PC and Eller & Associates were received and posted in the online agenda packet.

Emily Brough, Zacks & Freedman, PC, representative for property owner of CMB Two Hotels LP's at 10605 Wolfe Road, Cupertino, CA 95014 (Property ID#s 64483-1, 64483-2, 64483-3) commented about the following: 1) conflict with California Environmental Quality Act and the National Environmental Policy Act; 2) urged the Board not to adopt the resolution of necessity.

Discussion ensued about the following: 1) statute of limitations; 2) redwood tree relocation, tree replacement, and Payment-in-Lieu fees; 3) Caltrans is the project lead; and 4) California categorical exemption for Environmental Impact Report (EIR).

Board Member Torres arrived and took his seat at 6:27 p.m.  
Alternate Member Kamei relinquished her seat to Member Torres.

Mr. Golem proceeded to provide an overview on Property ID # 64484 (APN No. 316-47-016 and 316-47-018).

Board Member Davis left her seat at 6:32 p.m. and  
returned to her seat at 6:36 p.m.

**M/S/C (Jimenez/Chavez)** to close hearing and adopt **Resolutions of Necessity Nos. 2023.05.23 - 2023.05.26** determining that the public interest and necessity require the acquisitions of real property interests on properties located in the City of Cupertino owned respectively by (1) IAC at Cupertino, LLC; (2) Quito Hospitality Associates, LLC; BSL Family, LLC; and PMD, LLC; (3) Chris Marchese, Rosalie Cacitti and Carmen Russo, as Co-Trustees of the Rosalie Cacitti Family Trust; and (4) 19608 Pruneridge Avenue (Cupertino), LLC, for the I-280/Wolfe Road Interchange Improvement Project.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2023.05.23)**

64481 (APN No.:316-06-058 and 316-06-059) owned by IAC at Cupertino, LLC.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2023.05.24)**

64482 (APN No.:316-45-015) owned by Quito Hospitality Associates, LLC; BSL Family, LLC; and PMD, LLC.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2023.05.25)**

64483 (APN No.:316-47-019) owned Chris Marchese, Rosalie Cacitti and Carmen Russo, as Co-Trustees of the Rosalie Cacitti Family Trust.

**Property ID/Assessor's Parcel Number/Owner (Resolution No. 2023.05.26)**

64484 (APN No.:316-47-016 and 316-47-018) owned by 19608 Pruneridge Avenue (Cupertino), LLC.

<b>RESULT:</b>	<b>ADOPTED – Agenda Item #4.1</b>
<b>MOVER:</b>	Sergio Jimenez, Board Member
<b>SECONDER:</b>	Cindy Chavez, Vice Chairperson
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	None

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## 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 April 12, 2023, CAC meeting. He noted the following: 1) webpage on VTA website dedicated to information about VTA's BART Silicon Valley Project; 2) 2000 Measure A public hearing; and 3) recruitment for new CAC members.

Ms. Baltao noted that recruitment information will be provided to the Board.

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

Policy Advisory Committee (PAC) Chairperson Rennie provided a report on the April 13, 2023, PAC meeting noting that the next PAC meeting is on May 11, 2023.

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

Chairperson Burt noted that the Administration and Finance (A&F) Committee, Congestion Management Program & Planning Committee, Safety, Security, and Transit Planning & Operations Committee, and

Capital Program Committee Chairpersons' reports were in the online agenda packet.

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

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

**5.1.E. Ad Hoc Grade Separations Committee Chairperson's Report**

Chairperson Burt noted that Ad Hoc Grade Separations Committee Chairperson's Report was in the online agenda packet.

**5.1.E.X 2016 Measure B Citizens Oversight Committee Chairperson's Report**

Rose Herrera, 2016 Measure B Citizens Oversight Committee (2016 MBCOC) Chairperson provided a report on the results of the independent audit performed by Moss Adams on 2016 Measure B revenues and expenditures for Fiscal Year 2022. Ms. Herrera noted the Committee will convene a public hearing on May 24, 2023, at 12:00 p.m. to receive public input. Ms. Herrera noted information would be provided to the Board and requested the Board to disseminate the information to their constituents.

**On order of Chairperson Burt** and there being no objection, the Board received the Committee Reports.

**5.2. General Manager Report**

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) April 23, 2023 Bus Operators Graduation ; 2) Second Anniversary of the May 26 Guadalupe tragedy; 3) May is Mental Health Awareness Month; 4) April 20, 2023, VTA hosted distinguished visitor from Taiwan, Dr. Chow-Fu-Yay, who was on a fellowship through the Eisenhower Fellowship program; 5) Community events; 6) American Public Works Association (APWA) Administration Awardee Michelle Garza; and 7) APTA Transit Board Members and Board Administrator Seminar.

Board Member Davis left her seat at 6:58 p.m.

**5.2.A. Government Affairs Update**

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

**5.2.B. Safety and Security Updates**

Ms. Gonot noted the Safety and Security Updates were in the online agenda packet.

**Public Comment**

Ms. Baltao commended and congratulated Ms. Garza.

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

**5.3. Chairperson's Report**

Chairperson Burt provided a report, highlighting the following: 1) presentation of the Transit and Intercity Rail Capital Program (TIRCP) grant of \$46.5 million for the final funding of the Orange light rail line from Alum Rock Transit Center to Eastridge; 2) commence of VTA audit by the joint Assembly and Senate Audit Oversight Committee.

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

**6. CONSENT AGENDA**

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Board Members Davis returned to her seat at 7:05 p.m.

<b>ADMINISTRATION AND FINANCE (A&amp;F) COMMITTEE</b>
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**6.1. Selection of Empower as VTA's 457 Deferred Compensation Plan and 401(a) Money Purchase Plans Provider**

**M/S/C (Chavez/Din)** 1) Confirm the Deferred Compensation Committee's selection of Empower as VTA's 457 Deferred Compensation Plan and 401(a) Money Purchase Plans provider, and authorize the General Manager to enter into an agreement with Empower for a term of 5 years with two additional one-year options;

2) Adopt Empower's model plan documents for the 457 and 401(a) plans as VTA's 457 and 401(a) plan documents ("Plan Documents") and authorize staff to amend the Plan Documents whenever Empower amends its model plan documents to ensure compliance with Internal Revenue Service (IRS) regulations and changes in tax law;

3) Adopt **Resolution No. 2023.05.27** to reaffirm that participant contributions toward the 401(a) Plans are designated as an employer pick-up under Internal Revenue Code Section 414(h)(2); and 4) In light of the VTA Board's adoption of the new Plan Documents, reaffirm: a. the adoption of the 457 Deferred Compensation Plan Committee Charter; and b. the allowance for early in-service distributions at age 59 1/2 under VTA's 457 Plan and 401(a) Plans.

**6.2     Cerone Division Emergency Generator Replacement (Contract# C19010) - Contract Amendment**

M/S/C (Chavez/Din) to authorize the General Manager/CEO to amend contract (C19010) for Cerone Division Emergency Generator Replacement with Pilot Construction Management, Inc. in the amount of \$68,000 increasing the total authorized contract amount to \$2,000,000 for compensation of time extension related to unforeseen conditions during construction.

**6.3     Data Ticket Inc. Contract Extension**

M/S/C (Chavez/Din) to authorize the General Manager/CEO to extend the contract with Data Ticket Inc. for an additional nine months, through March 2024, for parking citation management services.

**6.4.    FY 2022-23 Low Carbon Transit Operations Program Funds**

M/S/C (Chavez/Din) to adopt a program **Resolution No. 2023.05.28** for VTA's 2023 Low Carbon Transportation and Operations Program (LCTOP) of projects for \$7,426,137 for the VTA Eastridge to BART Regional Connector (EBRC) Project.

**6.5     Homestead Rd Safe Route to School - 35% Design Contract Award**

M/S/C (Chavez/Din) to authorize the General Manager to execute a cost-plus-fixed fee contract with Deenscorp Inc., to perform the Environmental Clearance and 35% Plans, Specifications and Estimate (PS&E) Engineering Services in an amount not to exceed \$1,052,850 for the Homestead Road Safe Routes to School (SR2S) Project.

**6.6.    IBI Group SmartPass Administration and Institutional Web Portal Development 5-Year Contract Extension**

M/S/C (Chavez/Din) to authorize the General Manager/CEO to execute a contract amendment with IBI Group to 1) extend the contract for an additional three years plus two one-year options and 2) increase the contract amount by \$2,226,150 for a revised contract value of \$2,723,833 to support administration of the SmartPass Program and related Institutional Web Portal Development.

**6.7     VTA's BART Silicon Valley Phase II Extension – ICF International Contract Amendment (S13070)**

M/S/C (Chavez/Din) to authorize the General Manager/CEO to execute a contract amendment with ICF International (S13070) for an amount up to \$5,000,000 to continue providing environmental planning and related support services to remain in compliance with environmental clearance requirements for the BART Silicon Valley Phase II Extension Project (BSVII Project) through final design and into construction.



**6.8 VTa's BART Silicon Valley Phase II Extension Project: Authority for PG&E 115kV Temporary Interconnection Service for Tunnel Boring Machine (TBM)**

M/S/C (Chavez/Din) to authorize the General Manager/CEO to execute a Work Performance Agreement (WPA) with Pacific Gas & Electric (PG&E) and commit to expenditures for actual costs of design, procurement, and construction of VTA's BART Silicon Valley Phase II Extension Project (BSVII Project) temporary 115 Kilovolt (kV) interconnection service for the Tunnel Boring Machine (TBM) in an amount up to \$16,000,000.

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

**6.9 FY 2024 & FY 2025 CMP Budget & Work Program**

M/S/C (Chavez/Din) to approve the Fiscal Years 2024 and 2025 Proposed Congestion Management Program Work Program and Biennial Budget.

**6.10 Fiscal Year 2023-24 Transit Development Act (TDA)/State Transit Assistance (STA) Claim**

M/S/C (Chavez/Din) to adopt **Resolution No. 2023.05.29** authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of eligible FY2023-2024 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

**6.11 Fiscal Year 2023-24 State Transit Assistance (STA)/State of Good Repair (SGR) Funds**

M/S/C (Chavez/Din) to adopt **Resolution No. 2023.05.30** to appropriate and direct \$4,877,619 in State of Good Repair (SGR) funds for Fiscal Year 2023-24 to Cerone Operations Command & Control (OCC) Center project and to authorize the General Manager or her Designee to execute grant related documentation such as applications, agreements, certification, and assurances.

**6.12 Vehicle Registration Fee Fund for Intelligent Transportation System - Cycle 4: Project Scoring and Selection**

M/S/C (Chavez/Din) to approve scoring criteria for the Vehicle Registration Fee for Intelligent Transportation Systems (VRF-ITS) - Cycle 4 competitive grant program.

**6.13 Community Design and Transportation Manual Update**

M/S/C (Chavez/Din) to adopt the updated Community Design and Transportation Manual.

**6.14 Central Bikeway Final Report and Conceptual Design Plans**

M/S/C (Chavez/Din) to adopt the Central Bikeway Study Final Report and 10% Basis of Design Concept Plans.

**6.15 Silicon Valley Express Lanes Payment Plan**

M/S/C (Chavez/Din) to receive update on the Silicon Valley Express Lanes payment plan.

**6.16 Tamien Station Transit-Oriented Development Project Update**

M/S/C (Chavez/Din) to receive the Tamien Station Transit-Oriented Development Project Update.

**6.17 VTP Transportation Program Semi-Annual Report Ending December 31, 2022**

M/S/C (Chavez/Din) to receive the Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending December 31, 2022

**6.18 2000 Measure A Semi-Annual Report Ending December 31, 2022**

M/S/C (Chavez/Din) to receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending December 31, 2022.

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

**6.19. Transit Service Changes – April 24, 2023**

M/S/C (Chavez/Din) to receive a report on the April 24, 2023, Transit Service Changes.

**GOVERNANCE AND AUDIT (G&A) COMMITTEE**

**6.20. Long-Term Fiscal Sustainability - Part II**

M/S/C (Chavez/Din) to review and accept the Auditor General's Study on VTA's Long Term Fiscal Sustainability - Part 2.

**BOARD OF DIRECTORS**

**6.21. Regular Meeting Minutes of April 6, 2023**

M/S/C (Chavez/Din) to approve the Regular Meeting Minutes of April 6, 2023.

**6.22. Workshop Meeting Minutes of April 21, 2023**

M/S/C (Chavez/Din) to approve the Workshop Meeting Minutes of April 21, 2023.

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

M/S/C (Chavez/Din) to receive SB 129 Joint Labor Management Committee Update.

**6.24 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.

<b>RESULT:</b>	<b>APPROVED – Agenda Items #6.1 – 6.24</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Omar Din, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	None

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**7. REGULAR AGENDA**

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<b>ADMINISTRATION AND FINANCE (A&amp;F) COMMITTEE</b>
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**7.1. Amendment to the Santa Clara Valley Transportation Authority – Amalgamated Transit Union, Local 265**

Sonya Morrison, Chief People Officer, provided an overview of staff report.

Board Member Mahan left his seat at 7:07 p.m. and  
relinquished his seat to Alternate Board Member Kamei

M/S/C (Blankley/Foley) to adopt the Amendment to the Santa Clara Valley Transportation Authority-Amalgamated Transit Union, Local 265 Pension Plan noted on Exhibit 2 of the staff report (“Amendment”), to permit certain surviving spouses and surviving registered domestic partners of eligible retirees access to retiree medical plan coverage through the California Public Employees’ Retirement System (CalPERS) if the retiree predeceases their survivor.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #7.1</b>
<b>MOVER:</b>	Marie Blankley, Board Member
<b>SECONDER:</b>	Pam Foley, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Kamei, Lee, Lopez, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	None

Board Member Torres left his seat at 7:09 p.m.

Board Member Lopez left his seat at 7:10 p.m.

**Agenda Item #7.2**, VTA’s BART Silicon Valley Phase II Extension - Program Management and Services Contract Amendment: HNTB + WSP Joint Venture (S17017) and **Agenda Item #7.3**, VTA’s BART Silicon Valley Phase II Extension – General Engineering Services Contract Amendment: Mott MacDonald/PGH Wong Engineering Inc. Joint Venture (S18088) were heard together.

**7.2     VTA’s BART Silicon Valley Phase II Extension - Program Management Services Contract Amendment: HNTB + WSP Joint Venture (S17017)**

and

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

Gary Griggs, Chief BART Silicon Valley Program Officer, provided a presentation entitled “VTA’s BART Silicon Valley Phase II Extension Project.”

Board Member Lopez returned to his seat at 7:13 p.m.

Board Member Blankley left her seat at 7:13 p.m.

Board Member Torres returned to his seat at 7:18 p.m.

Board Member Blankley returned to her seat at 7:20 p.m.

The Board of Directors and staff discussed the following: 1) structure of the design-build contract; 2) embed a mechanism in the contract on how to mediate disagreements; 3) collaboration with BART and the contractors; and 4) Dispute Review Board and alternative resolution and mitigation.

Evelynn Tran, General Counsel, noted the mediation for disagreements could be included in the negotiations and embedded into the contract agreement.

**M/S/C (Chavez/Davis)** to authorize the General Manager/CEO to execute a contract amendment with the HNTB + WSP Joint Venture (Contract S17017) for an amount up to \$55,200,000, for a new total contract amount of up to \$206,641,724 and extend the contract by sixteen (16) months from July 1, 2023, to October 31, 2024, to continue providing Program Management services for VTA’s BART Silicon Valley Phase II Extension (BSVII) Project.

**M/S/C (Chavez/Davis)** 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 of \$145,920,650, for a new total contract amount of up to \$342,760,650, to continue providing General Engineering services for VTA's BART Silicon Valley Phase II Extension (BSVII) Project. with amendment to embed in the contracts the process in mediating disagreements.

<b>RESULT:</b>	<b>APPROVED – Agenda Items #7.2 and 7.3</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Dev Davis, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Kamei, Lee, Lopez, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	None

<b>CONGESTION MANAGEMENT PROGRAM &amp; PLANNING (CMPP) COMMITTEE</b>
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**7.4     2016 Measure B FY2024 & FY2025 Biennial Budget and 10-year Program (FY2024 to FY2033)**

Jane Shinn, Senior Transportation Planner, provided a presentation on 2016 Measure B FY2024 & FY2025 Biennial Budget and 10-year Program (FY2024 to FY2033).

**M/S/C (Jimenez/Blankley)** to adopt the 2016 Measure B Program Fiscal Years (FY) 2024 and 2025 Biennial Budget and 10-year Program (FY2024 to FY2033).

<b>RESULT:</b>	<b>APPROVED – Agenda Item #7.4</b>
<b>MOVER:</b>	Sergio Jimenez, Board Member
<b>SECONDER:</b>	Marie Blankley, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Kamei, Lee, Lopez, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	None

<b>SAFETY, SECURITY, AND TRANSIT PLANNING &amp; OPERATIONS (SSTP&amp;O) COMMITTEE</b>
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**7.5     Contract Amendment for Equipment Change Order for OCS Phase 3 Construction**

Ken Ronsse, Deputy Director – Rail & Facilities, provided an overview of the Contract Amendment for Equipment Change Order for OCS Phase 3 Construction.

Discussion ensued on the following: 1) replacement of materials and equipment; 2) rationale for proposal to decrease the project contingency to 15%; and 3) labor challenges for this type of service.

**Public Comment**

Eugene Bradley, Silicon Valley Transit User, expressed concern on the quality of materials and equipment that would replace in the OCS.

**M/S/C (Chavez/Lee)** to authorize the General Manager to execute a contract change order with Balfour Beatty, Infrastructure, Inc. in the amount of \$4,200,000 for changes to overhead catenary system (OCS) materials included in the OCS Rehabilitation Phase 3 Project (Contract C21104F) resulting in a new total contract amount of \$19,871,684 and to authorize that the contingency authority of 15% be based on this new total contract amount.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #7.5</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Otto Lee, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Kamei, Lee, Lopez, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	None

<b>GOVERNANCE AND AUDIT (G&amp;A) COMMITTEE</b>
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*There were no items submitted for the Regular Agenda from the Governance and Audit Committee.*

<b>BOARD OF DIRECTORS</b>
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**7.6. VRTA's BART Silicon Valley Phase II Update**

Mr. Griggs and Bernice Alaniz, Director of SVRT Business Operations, provided a presentation on the VTA's BART Silicon Valley Phase II.

Board Member Lee left his seat at 8:14 p.m.  
Board Member Davis left her seat at 8:20 p.m.  
Board Member Lee returned to his seat at 8:20 p.m.  
Board Member Torres left his seat at 8:28 p.m.  
Board Member Jimenez left his seat at 8:29 p.m.  
Board Member Davis returned to her seat at 8:31 p.m.  
Board Member Torres returned to his seat at 8:32 p.m.  
Board Member Jimenez returned to his seat at 8:34 p.m.

Members of the Board requested staff provide the Board progress updates on the construction 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**

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

Vice Chairperson Chavez requested a micro-transit program for the Eastridge community to include community outreach for the Eastridge to BART Regional Connector (EBRC), data and analysis of ridership, and frequent stop locations relative to the Ocala station and Hillview Airport.

### **8.2. Announcements**

There were no Announcements.

### **8.3. Public Comment (Continued)**

There was no Public Comment.

## **9. CLOSED SESSION**

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### **9.1. Recessed to Closed Session at 8:40p.m.**

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

Name of Case: Dulce Maria Estrada v Santa Clara Valley Transportation Authority, et al  
(Santa Clara County Superior Court Case No. 19CV342351)

### **9.2. Reconvened to Open Session at 8:58 p.m.**

### **9.3. Closed Session Report**

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

Name of Case: Dulce Maria Estrada v Santa Clara Valley Transportation Authority, et al  
(Santa Clara County Superior Court Case No. 19CV342351)

Chairperson Burt noted no reportable action was taken during Closed Session.

**10. ADJOURNMENT**

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**On order of Chairperson Burt** and there being no objection, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Reyne Jimeno, Board Assistant  
VTA Office of the Board Secretary