

## **BOARD OF DIRECTORS MEETING**

**Thursday, January 12, 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 Pro Tem Chavez at 5:30 p.m. via video and teleconference.

##### **1.1. ADMINISTER OATHS OF OFFICE to newly appointed Board Members**

Chairperson Pro Tem Chavez welcomed the following newly appointed Board Members: 1) Board Member Omar Din from the City of Sunnyvale, representing North East Cities - Group 3; 2) Board Member Pam Foley, representing City of San José - Group 1; 3) Board Member Sergio Lopez from the City of Campbell representing the West Valley Cities- Group 3; 4) Board Member Matt Mahan, representing the City of San José - Group 1; and 5) Board Member Omar Torres representing the City of San José - Group 1.

Chairperson Pro Tem Chavez noted that following Alternate Board Members are now Board Members: 1) Marie Blankley from the City of Gilroy, representing South County Cities - Group 5; and 2) Dev Davis, representing City of San José - Group 1.

Elaine Baltao, VTA Board Secretary, administered the Oath of Office to the newly appointed Board Members.

Newly appointed Alternate Board Member Rosemary Kamei, representing City of San José - Group 1 and Alternate Board Member Mark Turner from the City of Morgan Hill, representing South County Cities - Group 5, will be sworn into office at a later date.

## 1.2. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio	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	Present
Omar Torres	Board Member	Present
Mark Turner	Alternate Board Member	Absent

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

**A quorum was present.**

## 1.3. Orders of the Day

Chairperson Pro Tem Chavez noted staff’s request to defer the following items: 1) **Agenda Item #7.1.**, Policy for Transit Passes at Transit Oriented Development Projects; 2) **Closed Session Item #9.1.A.**, Threat to Public Services or Facilities; and 3) **Closed Session Item #9.1.C.**, Conference with Legal Counsel for Existing Litigation, to a future meeting.

Chairperson Pro Tem Chavez noted staff’s request to adjourn the meeting in memory of Daniel Marquez, Bus Operator and Joint Workforce Investment (JWI) Mentor, who unexpectedly passed away this past weekend.

**M/S/C (Foley/Mahan)** to accept the Orders of the Day.

<b>RESULT:</b>	<b>ACCEPTED - Agenda Item #1.3</b>
<b>MOVER:</b>	Pam Foley, Board Member
<b>SECONDER:</b>	Matt Mahan, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None

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

**1.4. Board Chairperson and Vice Chairperson Election for Calendar Year 2023**

Chairperson Pro Tem Chavez noted a letter of interest was received from Board Member Burt to serve as Chairperson for calendar year 2023.

**Public Comment**

Blair Beekman, Interested Citizen, expressed support for Board Member Chavez to be Vice Chairperson.

**M/S/C (Chavez/Davis)** to close nominations and elect Board Member Burt as Chairperson for calendar year 2023.

<b>RESULT:</b>	<b>ELECTED CHAIRPERSON - Agenda Item #1.4</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Dev Davis, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None

Chairperson Pro Tem Chavez relinquished her seat and  
Chairperson Burt presided over the remainder of the meeting.

**Public Comment**

Mr. Beekman commented on uniting the unions, VTA, and the community.

**M/S/C (Din/Blankley)** to close nominations and elect Board Member Chavez as Vice Chairperson for calendar year 2023.

<b>RESULT:</b>	<b>ELECTED VICE CHAIRPERSON - Agenda Item #1.4</b>
<b>MOVER:</b>	Omar Din, Board Member
<b>SECONDER:</b>	Marie Blankley, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None

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**2. AWARDS AND COMMENDATION**

**2.1. Resolution of Appreciation for 2022 VTA Board Chairperson Chappie Jones**

Members of the Board thanked former Chairperson Jones for his leadership in 2022.

**M/S/C (Jain/Lopez)** to adopt **Resolution No. 2023.01.01** for 2022 VTA Board Chairperson Chappie Jones.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #2.1</b>
<b>MOVER:</b>	Suds Jain, Board Member
<b>SECONDER:</b>	Sergio Lopez, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None

Former Chairperson Jones provided brief comments.

## **2.2. Resolutions of Appreciation for Outgoing Board Members**

### **Public Comment**

Keith, Interested Citizen, expressed appreciation for the outgoing Board Members.

Mr. Beekman commented on technology ordinance issues.

Eugene Bradley, Silicon Valley Transit Users, expressed gratitude to the outgoing Board Members.

Outgoing Board Members expressed appreciation to their Board colleagues and VTA staff.

Board Members expressed gratitude for the service, leadership, mentoring, and contributions of the outgoing Board Members.

Alternate Board Member Kamei arrived at the  
video and teleconference meeting at 6:18 p.m.

**M/S/C (Blankley/Chavez)** to adopt **Resolution No. 2023.01.02** for outgoing Board Member Magdalena Carrasco, **Resolution No. 2023.01.03** for outgoing Board Member Rich Constantine, **Resolution No. 2023.01.04** for outgoing Board Member Glenn Hendricks, **Resolution No. 2023.01.05** for outgoing Board Member Sam Liccardo, **Resolution No. 2023.01.06** for outgoing Board Member Darcy Paul, and **Resolution No. 2023.01.07** for outgoing Board Member Raul Perez.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #2.1</b>
<b>MOVER:</b>	Marie Blankley, 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

### **3. PUBLIC COMMENT**

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The following Interested Citizens opposed the City of San Jose's proposal to use the Cottle Road Light Rail Park & Ride Station as housing solution for the unhoused:

- Vicky
- Sarita Sharma
- Leonard
- Jason
- Madhukar Thakur
- T. Srinivasan
- Abhijeet
- Sheela Venkatesh
- Mlei
- Meeta Muni
- Neeta Thakur
- Stephanie
- Heng
- Izzac
- Venkatesh
- Kunta
- Lily Z.
- Shivani
- Manav
- SV
- Yueli
- Rina
- Li Xie

Mr. Beekman commented on shot spotter technology at the Berryessa BART Station.

John Courtney, President, Amalgamated Transit Union (ATU), Local 265, made the following comments: 1) expressed appreciation for engaged Board Members; and 2) encouraged the Board to take a deeper look into the independent report about the Guadalupe incident.

### **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 Report.

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

Chairperson Burt noted that the PAC Chairperson's report was in the packet and posted online.

**5.1.C. Standing Committee Chairperson's Reports**

Chairperson Burt noted that the Administration and Finance (A&F) and Capital Program Committee (CPC) Chairperson's reports were in the packet and posted online.

**5.1.D. Policy Advisory Boards (PAB) Chairperson's Report**

Chairperson Burt noted that the Eastridge to BART Regional Connector PAB Chairperson's report was included in the packet and posted online.

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

Chairperson Burt noted that the Ad Hoc Grade Separation Committee Chairperson's report was in the packet and posted online.

**5.2. General Manager Report**

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) Human Trafficking Prevention Campaign; 2) light rail operator graduation; 3) community outreach events; and 4) Transit Royale App marketing campaign.

**5.2.A. Government Affairs Update**

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

Ms. Gonot noted that the Ridership and Safety and Security statistics were included in the packet and posted online.

**Public Comment**

Mr. Bradley made the following comments: 1) expressed gratitude for making Transit Royale free; 2) requested that Access Paratransit statistics be included in ridership reports; and 3) inquired about statistics used to calculate the increase in ridership.

Mr. Beekman commented on the following: 1) crime on VTA's system; 2) human trafficking; and 3) grade separations.

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

**5.3. Chairperson's Report**

Chairperson Burt noted that the January 20, 2023, Board Workshop and Board Member Orientation will be rescheduled to a time and date to be determined.

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

**5.3.A. 2023 Board Member Committee Appointments and PAB Extensions**

Chairperson Burt noted that only appointments to the A&F Committee and Caltrain Joint Powers Board will be considered and the remaining appointments will be forwarded for Board consideration at the February 2, 2023 meeting.

**M/S/C (Chavez/Jimenez)** to approve appointments for the A&F Committee and Joint Powers Board (Caltrain) for 2023.

<b>RESULT:</b>	<b>APPROVED - Agenda Item #5.3.A</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Sergio Jimenez, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lopez, Mahan, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	Lee

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**6. CONSENT AGENDA**

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**Public Comment**

Mr. Beekman referenced **Agenda Item #6.2.**, Adoption of the 2023 Legislation Program for the Santa Clara Valley Transportation Authority and commented on the use of electric vehicles.

Lalo Mendez, Catalyze SV, referenced **Agenda Item #6.2.**, Adoption of the 2023 Legislation Program for the Santa Clara Valley Transportation Authority and commented on housing density near light rail stations.

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

**6.1. US 101/SR 25 Interchange Improvement Phase 1 – Contract Amendment #5**

**M/S/C (Jimenez/Din)** on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager/CEO to execute Contract Amendment 5 with Kimley-Horn and Associates, Inc. for additional work to perform Final Design and Right-of-Way services for the US 101/SR 25 Interchange Improvement Project - Phase 1 in the amount of \$1,352,425 for a new total contract amount of \$8,497,361, and to use the new total contract amount of \$8,497,361 to calculate the General Manager's amendment authority under Administrative Code Section 9.2(h) for the project. Vice Chairperson Chavez refused.

**6.2. Adoption of the 2023 Legislation Program for the Santa Clara Valley Transportation Authority**

**M/S/C (Jimenez/Din)** to approve the 2023 Legislative Program for the Santa Clara Valley Transportation Authority.

**6.3. Branham Developer Selection**

**M/S/C (Jimenez/Din)** on a vote of 11 ayes to 0 noes to 1 refusal to authorize the General Manager to conduct predevelopment work with Charities Housing for a term of up to nine (9) months to formulate a proposal for Board consideration for development of a feasible 100% affordable, owner-occupied "for-sale" housing project at the VTA Branham Light Rail Station park-and-ride lot, pursuant to the existing Cooperative Agreement between VTA and the County of Santa Clara (County) Office of Supportive Housing (OSH).

If a feasible concept cannot be accomplished with Charities Housing during the term, authorize the General Manager or designee to then pursue a feasibility collaboration for a period of up to 9 months with Jamboree Housing Corporation for the same purpose. Vice Chairperson Chavez refused.

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

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

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



**BOARD OF DIRECTORS**

**6.4. Special Meeting Minutes of December 1, 2022**

M/S/C (Jimenez/Din) to approve the Special Meeting Minutes of December 1, 2022.

**6.5. Regular Meeting Minutes of December 1, 2022**

M/S/C (Jimenez/Din) to approve the Regular Meeting Minutes of December 1, 2022.

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

M/S/C (Jimenez/Din) to adopt **Resolution No. 2023.01.08** authorizing the Santa Clara Valley Transportation Authority (VTA) Board of Directors and all standing, advisory, policy, oversight, steering, and inter-agency committees and subcommittees of the Board to continue to meet by remote teleconference, subject to the requirements of Assembly Bill 361 (Rivas).

**6.7. Programmed Project Monitoring - Quarterly Report**

M/S/C (Jimenez/Din) to receive the Programmed Projects Quarterly Monitoring Report for July to September 2022.

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

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

**RESULT:** APPROVED -Agenda Items #6.1, 6.3  
**MOVER:** Sergio Jimenez, Board Member  
**SECONDER:** Omar Din, Board Member  
**AYES:** Blankley, Burt, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres  
**NOES:** None  
**RECUSED:** Chavez

**RESULT:** APPROVED -Agenda Items #6.2, 6.4-6.8  
**MOVER:** Sergio Jimenez, Board Member  
**SECONDER:** Omar Din, Board Member  
**AYES:** Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres  
**NOES:** None

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## 7. REGULAR AGENDA

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

#### 7.1. (Deferred)

Adopt a Transportation Demand Management (TDM) Policy as an amendment to VTA's Transit-Oriented Communities (TOC) Policy, as set forth in Attachment B, including a provision that requires a minimum of two years of transit passes for all residents of future VTA Transit-Oriented Development (TOD) projects.

### 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 Congestion Management Program and Planning 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; Haniet Bourshrockn, Service Employees International Union (SEIU) Local 521; Marc Delong, Transportation Authority Engineers and Architects (TAEA) Local 21; and John Pospicheck, Amalgamated Transit Union (ATU) Local 265, provided a presentation entitled, "SB 129 Joint Labor-Management Committee Update."

#### Public Comment

Mr. Courtney made the following comments: 1) expressed gratitude that unions that were part of the process; 2) expressed concern with low number of responses for the survey; and 3) suggested an oversight committee for spending of the SB 129 money.

Mr. Beekman commented on continuing positive work into 2023.

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

**7.3. Silicon Valley Rapid Transit (SVRT) Program Update**

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

**Public Comment**

Mr. Beekman commented on the following: 1) start of construction; and 2) project transparency.

Members of the Board and staff discussed the following: 1) station refinement plans; 2) tunnel boring machine purchase and delivery; and 3) coordination with the Diridon Station Joint Policy Advisory Board.

Board Member Torres and Vice Chairperson Chavez requested a presentation detailing the business interruption and displacement plan including business protection strategy for small businesses.

**On order of Chairperson Burt** and there being no objection, the Board received the Silicon Valley Rapid Transit (SVRT) Program update.

**8. OTHER ITEMS**

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

Vice Chairperson Chavez requested the following: 1) a presentation on VTA’s business diversity strategies and efforts to encourage small business participation; and 2) information on the expanded Levine Act at the Board Member Orientation.

**8.2. Announcements**

There were no Announcements.

**8.3. Public Comment (Continued)**

There was no Public Comment.

## **9. CLOSED SESSION**

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### **Public Comment**

Mr. Beekman noted the importance of knowing what will be discussed in Closed Session.

#### **9.1. Recessed to Closed Session at 8:17 p.m.**

##### **A. (Removed from the Agenda.)**

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

Consultation with the following staff:  
Aston Greene, System Safety & Security Chief  
Rich Bertalan, Technology Deputy Director

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

Property: 2830 De La Cruz Boulevard, Santa Clara, CA 95050

Agency Negotiators: Ron Golem, Director, Real Estate & Transit-Oriented Development; Gary Griggs, Chief Program Officer, VTA BART Silicon Valley Extension Program

Negotiating Parties: Nate Carlson, Director, @CENTRAL PROPERTY OWNER, LLC

Under Negotiation: Terms and condition of lease for BART Silicon Valley Extension office space

##### **C. (Removed from the Agenda.)**

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

Name of Case: Skanska-Shimmick-Herzog v. Santa Clara Valley  
Transportation  
Authority  
(San Mateo Superior Court Case No. 20-CIV-02854)

#### **9.2. Reconvened to Open Session at 8:31 p.m.**

**9.3. Closed Session Report**

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

Property: 2830 De La Cruz Boulevard, Santa Clara, CA 95050

Agency Negotiators: Ron Golem, Director, Real Estate & Transit-Oriented Development; Gary Griggs, Chief Program Officer, VTA BART Silicon Valley Extension Program

Negotiating Parties: Nate Carlson, Director, @CENTRAL PROPERTY OWNER, LLC

Under Negotiation: Terms and condition of lease for BART Silicon Valley Extension office space

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

**10. ADJOURMENT**

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**On order of Chairperson Burt** and there being no objection, the meeting was adjourned in memory of Daniel Marquez at 8:32 p.m.

Respectfully submitted,

Thalia Young, Board Assistant  
VTA Office of the Board Secretary