

## BOARD OF DIRECTORS MEETING

Thursday, April 6, 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. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San José, California and via teleconference and video conference.

##### 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	Present

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

**A quorum was present.**

##### 1.2. Orders of the Day

Chairperson Burt noted the addendum to the agenda, **Agenda Item #9.1.A.X**, Conference with Legal Counsel - Existing Litigation.

Chairperson Burt noted the agenda was revised to remove a remote meeting location.

Chairperson Burt noted staff's request to: 1) remove Property ID #B3305, owned by Alliance for Community Care, currently known as Momentum for Health, from **Agenda Item #4.2.**, Resolutions of Necessity because an agreement was reached with the property owner; and 2) place on the Consent Agenda, **Agenda Item #7.3.**, SB 129 Joint Labor Management Committee Update, noting that a written report was available in the online agenda packet.

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

<b>RESULT:</b>	<b>ACCEPTED - Agenda Item #1.2</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Pam Foley, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	Mahan

## **2. AWARDS AND COMMENDATION**

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There were no Awards and Commendations.

## **3. PUBLIC COMMENT**

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Blair Beekman, Interested Citizen, expressed concern about the number of shot spotters at the Berryessa BART station.

## **4. PUBLIC HEARINGS**

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### **4.1. Recommendation to Adopt Resolutions of Necessity for the Caltrain Peninsula Corridor Electrification Project**

Ron Golem, Director of Real Estate and Transit-Oriented Development introduced Brian Fitzpatrick, Caltrain Director of Real Estate and Development. Mr. Fitzpatrick provided a presentation entitled "Peninsula Corridor Electrification Project (PCEP)."

#### **Public Comment**

Mr. Beekman commented on finding other ways to build projects without having to take buildings and tearing them down.

Board Members Jimenez and Lee left their seats at 5:50 p.m.

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

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**M/S/C (Chavez/Davis)** to close hearing and adopt **Resolution No. 2023.04.17** determining that the public interest and necessity require the acquisitions of real property interests on property located in the City of Santa Clara owned by Chris Marchese; Crist Marchese; Rosalie Cacitti; Carmen Russo; Chris Marchese Jr.; Helen Owen; Rosalie Marchese Caserta and Chris Marchese as Co-Trustees for the Testamentary Trust under The Will of Domenic Caserta, deceased, as their interest may appear of record, for the Peninsula Corridor Electrification Project (PCEP) being undertaken by the Peninsula Corridor Joint Powers Board.

**Property ID/Assessor's Parcel Number/Owner JPB-SC3-0213-1A (Resolution No. 2023.04.17)**

JPB-SC3-0213-1A (APN No.: 216-26-075) owned by Chris Marchese; Crist Marchese; Rosalie Cacitti; Carmen Russo; Chris Marchese Jr.; Helen Owen; Rosalie Marchese Caserta and Chris Marchese as Co-Trustees for the Testamentary Trust under The Will of Domenic Caserta, deceased, as their interest may appear of record.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #4.1</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, Lopez, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	Jimenez, Lee, Mahan

**4.2. Adopt Resolutions of Necessity for VTA's BART Silicon Valley Phase II Project Properties owned by 1) Lenzen Associates LLC (B3004-02), 2) 264 North Morrison LLC (B4058-02), and 3) Union Pacific Railroad Company, the heirs of Oliver L. Crandall (deceased) and heirs of Charlotte Altman (deceased) (B4068)**

Mr. Golem provided a presentation entitled "VTA'S BART Silicon Valley Extension Phase II Project (BSV II): Resolution of Necessity Hearing."

Board Member Lee returned to his seat at 5:51 p.m.  
Board Member Mahan arrived at 5:52 p.m.  
Board Member Jimenez returned to his seat at 5:52 p.m.

**Public Comment**

Mr. Beekman commented on eminent domain and preserving older buildings.

Evelynn Tran, General Counsel, clarified the process for when the heirs of property owners cannot be located.

**M/S/C (Chavez/Foley)** to close hearing and adopt **Resolutions of Necessity Nos. 2023.04.18 - 2023.04.20** determining that the public interest and necessity require the acquisitions of real property interests on properties located in the City of San José owned respectively by (1) Lenzen Associates LLC, a California limited liability company; (2) 264 North Morrison LLC, a California limited liability company; and (3) Union Pacific Railroad Company, a Delaware corporation, and the heirs of Oliver L. Crandall (deceased) and heirs of Charlotte Altman (deceased), for VTA's BART Silicon Valley Phase II Project.

**Property ID/Assessor's Parcel Number/Owner 261-03-057 (Resolution No. 2023.04.18)**

B3004 (APN No.:261-03-057) owned by Lenzen Associates LLC, a California limited liability company,

**Property ID/Assessor's Parcel Number/Owner 261-03-093 (Resolution No. 2023.04.19)**

B4058 (APN No.:261-01-093) owned 264 North Morrison LLC, a California limited liability company,

**Property ID/Assessor's Parcel Number/Owner N/A (Resolution No. 2023.04.20)**

B4068 (APN No.: N/A); located south of Santa Clara Street, between Cahill Street and Montgomery Street, San José, CA) owned by Union Pacific Railroad Company, a Delaware corporation, and the heirs of Oliver L. Crandall (deceased) and heirs of Charlotte Altman (deceased).

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

B3305 (APN No.:261-01-076) owned by Alliance for Community Care, currently known as Momentum for Health, a California non-profit corporation.

<b>RESULT:</b>	<b>ADOPTED - Agenda Item #4.2</b>
<b>MOVER:</b>	Cindy Chavez, Vice Chairperson
<b>SECONDER:</b>	Pam Foley, Board Member
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Jimenez, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None

## 5. REPORTS

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### 5.1. Committee Reports

Board Member Davis left her seat at 6:10 p.m.

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

Citizens Advisory Committee (CAC) Vice Chairperson Kylie Clark provided a brief report on the CAC meeting of March 8, 2023.

#### 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 Chairpersons' Report

Chairperson Burt noted that the Congestion Management Program & Planning (CMPP) and Safety, Security Transit Planning & Operations (SSTPO) Chairpersons' reports were in the packet and posted online. He noted the Administration & Finance Committee did not meet.

#### 5.1.D. Policy Advisory Board (PAB) Chairperson's Report

Chairperson Burt noted that the Eastridge to BART Regional Connector (EBRC) Policy Advisory Board Chairperson's report was in the packet and posted online.

### Public Comment

Mr. Beekman commented on automated license plate readers (ALPR) usage.

### 5.2. General Manager Report

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) recent Washington, DC trips; 2) Strengthening Mobility and Revolutionizing Transportation (SMART) grants awarded to VTA; 3) Engineering News Record (ENR) recognized VTA as Owner of the Year for the California/Northwest Region; 4) VTA Administrative Professionals Team of the Year Award; 5) Transit Driver Appreciation Day; 6) 9-8-8 suicide prevention joint campaign with Santa Clara County; 7) Chief Operating Officer's Town Hall meetings at each operations division; 8) Community Outreach efforts; and 9) Free Fare Day for Earth Day on April 22, 2023.

Board Member Torres left his seat at 6:17 p.m.

Board Member Mahan left his seat at 6:19 p.m.

Dino Guevarra, Market Development Manager, provided a demonstration of the Transit Royale App.

Board Member Davis returned to her seat at 6:24 p.m.

Board Member Torres returned to his seat at 6:25 p.m.

Board Member Mahan returned to his seat at 6:26 p.m.

Board Member Foley left her seat at 6:27 p.m.

Board Member Foley returned to her seat at 6:35 p.m.

Members of the Board discussed Transit App's trip planner features and benefits including transit stop alerts.

**5.2.A. Government Affairs Report**

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

**Public Comment**

Mr. Beekman commented on the following: 1) bus electrification; and 2) open communication with the public.

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

Board Member Jimenez left his seat at 6:42 p.m.

**5.3. Chairperson's Report**

Chairperson Burt provided a report, highlighting the March 30, 2023, Board Member and select city staff tour of VTA's Cerone Bus Yard.

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

**5.3.A. Capital Program Committee (CPC) Appointments**

**M/S/C (Mahan/Din)** to approve the Capital Program Committee (CPC) appointments.

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

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## 6. CONSENT AGENDA

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Board Member Jimenez returned to his seat at 6:43 p.m.

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

*There were no items submitted for the Consent Agenda from the Administration and Finance Committee.*

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

#### 6.1. Programmed Project Monitoring - Quarterly Report

M/S/C (Chavez/Jimenez) to receive the Programmed Projects Quarterly Monitoring Report for October to December 2022.

#### 6.2. 2023 Transit-Oriented Communities Program Update

M/S/C (Chavez/Jimenez) to receive the Transit-Oriented Communities Program Update.

### 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. Amendments to 2016 Measure B Citizens' Oversight Committee Bylaws

M/S/C (Chavez/Jimenez) to approve the minor amendments to the bylaws for the 2016 Measure B Citizens' Oversight Committee.

#### 6.4. Auditor General's Addendum Report to the BART Silicon Valley Phase II - Part 2 Assessment Report

M/S/C (Chavez/Jimenez) to review and accept the Auditor General's Addendum Report to the BART Silicon Valley - Phase II, Part 2 Assessment Report that was issued on December 6, 2022.

### BOARD OF DIRECTORS

#### 6.5. Regular Meeting Minutes of March 2, 2023

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

**6.6. Workshop Meeting Minutes of March 3, 2023**

M/S/C (Chavez/Jimenez) to approve the Workshop Meeting Minutes of March 3, 2023.

**6.7. VTa's Transit Operations Insurance Program for Fiscal Year 2024**

M/S/C (Chavez/Jimenez) to authorize the General Manager/CEO to purchase Property and Casualty insurance coverage renewing VTA's Transit Operations Insurance Program for Fiscal Year 2024 for an amount not to exceed \$5,500,000.

**6.8. US 101/SR237/Mathilda and I-280/Foothill Landscaping Project - Construction Contract Award (C22159)**

M/S/C (Chavez/Jimenez) to authorize the General Manager/CEO to execute a contract with Bortolussi & Watkin, Inc., the lowest responsive and responsible bidder, in an amount of \$2,164,159 for the construction of the I-280/Foothill Expressway and Mathilda Ave Landscaping Project (Project).

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

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

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

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

<b>RESULT:</b>	<b>APPROVED - Agenda Items #6.1-6.9 and 7.3</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, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None

**7. REGULAR AGENDA**

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

*There were no items submitted for the Regular Agenda from the Administration and Finance Committee.*

**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**

**7.1. Diridon Station Temporary Parking**

Hassan Basma, Transportation Engineering Manager - Special Projects, provided an overview of the staff report.

Members of the Board and staff discussed the following: 1) length of the temporary parking; 2) usage of 2000 Measure A and 2016 Measure B funds; and 3) lighting and safety.

Ex-Officio Member Abe-Koga arrived at the meeting  
and took her seat at 6:52 p.m.

**M/S/C (Mahan/Davis)** to: 1) Authorize the General Manager/CEO to execute a contract with the sole responsive and responsible bidder, S&H Construction, Inc., in the amount of \$7,798,600, for the conversion of a warehouse at 501 Cinnabar Street into a parking garage to provide temporary parking to mitigate the parking impacts caused by the BART Silicon Valley Phase II (BSVII) project construction; and 2) Consider and adopt the staff recommendation on California Environmental Quality Act (CEQA) compliance.

<b>RESULT:</b>	<b>APPROVED - Agenda Item #7.1</b>
<b>MOVER:</b>	Matt Mahan, 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

**7.2. Resolution Authorizing the General Manager/CEO to Execute Certain Agreements Related to the Funding and Implementation of VTA Transit-Oriented Development Projects**

Mr. Golem and Jessie O'Malley-Solis, Manager, Transit-Oriented Development, provided a brief presentation noting the types of documents that will be coming to the Board for approval.

Board Member Jimenez left his seat at 6:58 p.m.  
Vice Chairperson Chavez left her seat at 7:00 p.m.

Members of the Board and staff clarified the reasoning for the dollar threshold.

Vice Chairperson Chavez returned to her seat at 7:05 p.m.

**Public Comment**

Mr. Beekman noted that this agreement has been in process for several years and expressed appreciation that it is getting Board approval.

**M/S/C (Din/Chavez)** to adopt **Resolution No. 2023.04.21** authorizing the General Manager/CEO to execute certain funding and implementation-related agreements for VTA Transit-Oriented Development (TOD) projects where the Board of Directors has previously authorized the terms and conditions for a Lease Option Agreement. In addition, directed staff to 1) present at the appropriate VTA committee an annual Transit Oriented Development Program Progress Report that includes all actions taken under the delegation of authority provided by the Board to the General Manager; and 2) forward the annual progress report to the Board as part of their consent agenda.

<b>RESULT:</b>	<b>ADOPTED, as amended - Agenda Item #7.2</b>
<b>MOVER:</b>	Omar Din, Board Member
<b>SECONDER:</b>	Cindy Chavez, Vice Chairperson
<b>AYES:</b>	Blankley, Burt, Chavez, Davis, Din, Foley, Jain, Lee, Lopez, Mahan, Torres
<b>NOES:</b>	None
<b>ABSENT:</b>	Jimenez

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

Receive the SB 129 Joint Labor Management Committee Update.

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

Gary Griggs, Chief BART Silicon Valley Extension Program Officer; and Ann Calnan, Transportation Planning Manager - Environmental Programs, provided a presentation entitled "VTA's BART Silicon Valley Phase II Extension Project."

Board Member Lee left his seat at 7:13 p.m.

Ex-Officio Member Abe-Koga left her seat at 7:18 p.m.

Members of the Board and staff discussed the following: 1) testing of the excavated soil; and 2) cost of moving the soil versus taking it to the dump.

Board Member Lee returned to his seat at 7:25 p.m.

**Public Comment**

Alternate Board Member Montano inquired if VTA has reached out to the water district and water treatment plant.

Mr. Beekman expressed appreciation for describing the process of excavating the dirt and addressing sea level rising.

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

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**8. OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

**8.2. Announcements**

There were no Announcements.

**8.3. Public Comment (Continued)**

There was no Public Comment.

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**9. CLOSED SESSION**

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Ex-Officio Member Abe-Koga and Vice Chairperson Chavez  
returned to their seats at 7:38 p.m.

Board Member Jimenez left the meeting and  
relinquished his seat to Alternate Board Member Kamei at 7:39 p.m.

**Public Comment**

Mr. Beekman thanked the Board for including what will be discussed in Closed Session.

**9.1. Recessed to Closed Session at 7:40 p.m.**

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

Significant Exposure to Litigation: 1 case

- A.X.** 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 8:24 p.m.**

**9.3. Closed Session Report**

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

Significant Exposure to Litigation: 1 case

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

- A.X.** 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)

Ms. Tran 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 8:24 p.m.

Respectfully submitted,

Thalia Young, Board Assistant  
VTA Office of the Board Secretary