

BOARD OF DIRECTORS MEETING

Thursday, June 3, 2021

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Chairperson Hendricks at 5:30 p.m. via video and teleconference.

1.2. 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	NA
Cindy Chavez	Board Member	Present
Rich Constantine	Board Member	Present
Dev Davis	Alternate Board Member	Present
Lisa Gillmor	Alternate Board Member	Present
Glenn Hendricks	Chairperson	Present
Sergio Jimenez	Board Member	Present
Charles "Chappie" Jones	Vice Chairperson	Present
Otto Lee	Alternate Board Member	Absent
Lynette Lee-Eng	Alternate Board Member	Present
Sam Liccardo	Board Member	Present
Carmen Montano	Board Member	Present
Darcy Paul	Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Alternate Board Member	Present
Joe Simitian	Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2. Orders of the Day

Chairperson Hendricks announced the Board meeting would be adjourned in memory of the fallen VTA family members; and there will be several changes to the agenda to focus on the VTA employees whose lives were taken on May 26, 2021.

Chairperson Hendricks requested that the following Regular Agenda Items be placed on the Consent Agenda: **Agenda Item #7.2.**, Fiscal Year 2021 Statement of Revenue and Expenses Forecast; **Agenda Item #7.2.X.**, Clarification of 2016 Measure B Expenditure Decisions with a note that the resolution is amended to incorporate by reference the memo submitted by Board Members Liccardo and Simitian; **Agenda Item #7.5.**, Project Labor Agreement (PLA)/Community Workforce Agreement; and **Agenda Item #7.6.**, Silicon Valley Rapid Transit (SVRT) Program Update.

Chairperson Hendricks announced that the following will be deferred to a future Board meeting: **Agenda Item #4.2.**, Resolutions for BART Silicon Valley Phase II Project (Parcels B3109, B3110, B3139 and B4042; **Agenda Item #6.7.**, Authorization to Issue a Request for Offer (RFO) at the Gilroy Transit Center; **Agenda Item #7.4.**, Downtown Design Development Framework (DDF) for VTA Block; Closed Session **Agenda Item #9.1.A.**, Conference with Legal Counsel – Existing Litigation.

Members Montano and Liccardo arrived at the video and teleconference meeting at 5:35 p.m.

Alternate Board Member Blankley referred to **Agenda Item #6.7.**, Authorization to Issue a Request for Offer (RFO) at the Gilroy Transit Center and commented about parking needs at the Gilroy Transit Center.

Public Comment

The following Interested Citizens commented about when the Board should hear public comment and opposed reducing the speaker time.

- Tessa Woodmansee
- Katherine Scott-Smith, People Transit Alliance
- Nathan Arnold, People Transit Alliance
- Joty Dhaliwal

The following Interested Citizens suggested the Amalgamated Transit Union (ATU) Local 265 Members/employees receive retroactive hazard pay:

- Shane Weinstein, ATU Local 1575
- Allie, Interested Citizen
- Jimmy Le, People Transit Alliance
- Ms. Scott-Smith

Roland Lebrun, Interested Citizen, commented about the following: 1) concurred with Alternate Board Member Blankley's comments related to **Agenda Item #6.7.**, Authorization to Issue a Request for Offer (RFO) at the Gilroy Transit Center; 2) reinstating VTA's Silicon Valley Rapid Transit Committee; and 3) suggestions on how to proceed with the meeting.

Blair Beekman, Interested Citizen, commented about VTA's best practices and restoration of light rail service.

Eugene Bradley, Silicon Valley Transit Users, commented about the following: 1) concurring with previous speakers' comments; 2) VTA's budget; and 3) expressed condolences to the VTA and the families of the employees who lost their lives.

Member Constantine left the video and teleconference meeting at 5:53 p.m.

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

RESULT:	Accepted Orders of the Day – Agenda Item #1.2
MOVER:	Chappie Jones, Chairperson
SECONDER:	Carmen Montano, Board Member
AYES:	Burt, Chavez, Davis, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	Constantine

Member Constantine returned to the video and teleconference meeting at 5:55 p.m.

2. REMEMBERING FALLEN VTA FAMILY MEMBERS

The Board of Directors honored and remembered the following fallen VTA family Members whose lives were taken on May 26, 2021:

- Abdolvahab Alaghmandan, Substation Maintainer
- Adrian Balleza, Light Rail Operator
- Alex Ward Fritch, Substation Maintainer
- Jose de Jesus Hernandez III, Substation Maintainer
- Lars Kepler Lane, Overhead Line Worker
- Paul De la Cruz Megia, Assistant Superintendent
- Timothy Michael Romo, Overhead Line Worker
- Michael Joseph Rudometkin, Overhead Line Worker
- Taptejdeep Singh, Light Rail Operator

3. PUBLIC COMMENT

Mr. Beekman commented about transparency and resuming light rail service.

Joe Kunzler, Interested Citizen, commented about the following: 1) thanked Board Members for their work during such challenging times; 2) addressing employees' mental health; 3) hazard pay for employees; and 4) restoring light rail service.

The following Interested Citizens urged the Board to approve retroactive hazard pay for ATU Local 265 frontline members/employees and noted the following: 1) frontline workers have continued risking their lives working through the pandemic; 2) the need to support employees while recovering from the May 26, 2021, Guadalupe incident.

- Yvonne Williams
- Miguel Navarro, Local 264
- Ms.Dhaliwa
- Mr. Arnold
- Kieth Brown, President of Alameda Labor Council
- Aboubacar Ndiaye

Mr. Lebrun commented about the following: 1) public comment; 2) VTA staff resigning; and 3) VTA's infrastructure.

Ms. Woodmansee commented about the following: 1) public comment; and 2) workplace environment.

Simon Oh, Interested Citizen, commented about the fallen VTA employees and offered condolences to the families.

Arlena Wong, De Anza College, commented about the importance of transportation; and the need to restore service to 100%.

Aleta Dupree, Interested Citizen, commented about the following: 1) the importance of transportation; and 2) programs that promote equity and a diverse environment.

Mr. Bradley commented about the need to support essential transit workers.

4. PUBLIC HEARINGS

4.1. Caltrain Plan of Finance

Michael Smith, Finance, Debt & Investment Manager, and Derek Hansel, Caltrain, provided an overview of the staff report.

Public Comment

Mr. Beekman commented about ongoing budget reporting.

Ms. Dupree commented about the following: 1) Measure RR; 2) focusing resources on financial sustainability; and 3) support for staff's recommendation.

Mr. Lebrun commented about the need to uphold the voters' trust.

Members of the Board and staff had a brief discussion about interest rates.

M/S/C (Jones/Davis) to close the hearing and adopt **Resolution No. 2021.06.12:** (1) directing that the VTA Board, subsequent to a public hearing, has made a finding that the proposed financing to be undertaken by the Peninsula Corridor Joint Powers Board (PCJPB) will result in significant public benefits and serve a public purpose; and (2) approve the proposed refinancing of the two revolving lines of credit, totaling \$200 million.

RESULT:	Adopted Agenda Item 4.1 -
MOVER:	Chappie Jones, Vice Chairperson
SECONDER:	Dev Davis, Alternate Member
AYES:	Burt, Chavez, Constantine, Davis, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	None

4.2. (Deferred to a future Meeting.)

Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of four (4) properties located in the City of San Jose owned by the following property owners: (1) Richard Della Maggiore and Joan Della Maggiore Revocable Living Trust dated November 13, 1991 and The Loren W. Thorson and Arlethea K. Thorson Trust dated August 18, 1982; (2) Honco Investment Company, LLC, California limited liability company, successor in interest to Honco Investment Company, L.P., a California limited partnership; (3) Z Hanna LLC, a California limited liability company; and (4) Downtown SJ Towers, LLC, a California limited liability company, for the Bay Area Rapid Transit (BART) Silicon Valley Phase II Project (BSVII).

Property ID/Assessor's Parcel Number/Owner

B3109 (APN Nos: 467-8-005 and 467-08-012) owned by Richard Della Maggiore and Joan Della Maggiore Revocable Living Trust dated November 13, 1991 and The Loren W. Thorson and Arlethea K. Thorson Trust dated August 18, 1982.

Property ID/Assessor's Parcel Number/Owner

B3110 (APN Nos: 467-8-004; 010; 011; and 013) owned by Honco Investment Company, LLC, California limited liability company, Successor in interest to Honco Investment Company, L.P., a California limited partnership.

Property ID/Assessor's Parcel Number/Owner

B3139 (APN Nos: 467-21-025) owned by Z Hanna LLC, a California limited liability company.

Property ID/Assessor's Parcel Number/Owner

B4042 (APN Nos: 467-21-024) owned by Downtown SJ Towers, LLC, a California limited liability company.

5. COMMITTEE REPORTS

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

Chairperson Hendricks noted that the CAC Chairperson's report was available in the online agenda packet.

5.2. Policy Advisory Committee (PAC) Chairperson's Report

Chairperson Hendricks noted that the PAC Chairperson's report was available in the online agenda packet.

5.3. Standing Committee Chairpersons' Report

Chairperson Hendricks noted that the Congestion Management Program Committee, Administration and Finance Committee, and Safety, Security, and Transit Planning and Operations Chairperson's reports were available in the online agenda packet.

5.4. Policy Advisory Board Chairpersons' Report

There were no Policy Advisory Board Chairperson's reports.

6. CONSENT AGENDA

Public Comment

Mr. Beekman commented about the following: 1) supporting light rail; 2) transparency; and 3) reiterated comments about best practices.

Mr. Lebrun referred to **Agenda Item #7.6.**, Silicon Valley Rapid Transit (SVRT) Program Update, and commented about the following: 1) reinstating the Silicon Valley Rapid Transit Committee; and 2) materials from decommissioned committees.

Ms. Dupree referred to **Agenda Item # 6.2**, Resolution Accepting Safe & Seamless Funds: Bike Locker Upgrade and commented about the need for user friendly and improved bike lockers that can assist with first and last mile solutions.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. FTA Fiscal Year 2021 Grants

M/S/C (**Chavez/Constantine**) to authorize the General Manager to submit Federal Fiscal Year (FFY) 2021 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5337 Fixed Guideway and High Intensity Motorbus, and Section 5339 Bus and Bus Facilities funds.

6.2. Resolution Accepting Safe & Seamless Funds: Bike Locker Upgrade

M/S/C (Chavez/Constantine) to adopt the required **Resolution of Local Support No. 2021.06.13** for VTA's Electronic Bike Locker Upgrade and Replacement project selected for the Safe & Seamless Mobility Quick-Strike Program federal funds.

6.3. Tamien Transit-Oriented Development Project - Archaeological Support Services RFP

M/S/C (Chavez/Constantine) to authorize the General Manager to execute a contract with Far Western Anthropological Research Group, Inc. (Far Western) in the amount of up to \$1,050,000 to conduct archaeological support services for the Tamien Transit-Oriented Development Project (Project) as required by the Cultural Resources Treatment Plan (CRTP) and in accordance with the California Environmental Quality Act (CEQA) document prepared for the Project.

6.4. Airport Connector Funding Agreement

M/S/C (Chavez/Constantine) to authorize the General Manager or Designee to execute an inter-agency funding agreement with the City of San Jose in an amount not to exceed \$2.5 million to advance project development for and implementation of the San José Mineta APM from the 2000 Measure A Transit Improvement Program Fund Capital Budget.

6.5. Fiscal Year 2021 Statement of Revenues and Expenses for the Period Ending March 31, 2021

M/S/C (Chavez/Constantine) to review and accept the Fiscal Year 2021 Statement of Revenues and Expenses for the period ending March 31, 2021.

6.6. Rail Grinding Service Contract for Light Rail Tracks

M/S/C (Chavez/Constantine) to authorize the General Manager to execute a contract with Loram Maintenance of Way, Inc for \$2,800,000.00 to provide rail grinding services for five years, with an option of two additional years.

6.7. (Deferred to a future Meeting.)

Authorize the General Manager to issue a competitive Request for Offer (RFO) for the Gilroy Transit Center Affordable Housing Project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) -OSH Cost-Sharing Agreement for County Measure A-Funded Transit-Oriented Development (TOD).

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

6.8. 2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant: FY2020 to FY2021 Program of Projects

M/S/C (Chavez/Constantine) to 1) Approve the recommended project list for the 2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant Program; and 2) Authorize the General Manager to execute the necessary agreements for the 2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant Program funds.

6.9. FY 2022 & FY 2023 CMP Budget & Work Program

M/S/C (Chavez/Constantine) to approve the Fiscal Years 2022 and 2023 Proposed Congestion Management Program Work Program and Biennial Budget.

6.10. Fast Transit Program – Transit Signal Priority Update

M/S/C (Chavez/Constantine) to receive a status update on Transit Signal Priority.

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 and Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

6.11. Scope of Work - Annual Financial Audit FY 2021

M/S/C (Chavez/Constantine) to review and receive the scope of work for Annual Financial Audit Services for Fiscal Year 2021.

BOARD OF DIRECTORS

6.12. Special Meeting Minutes of May 1, 2021

M/S/C (Chavez/Constantine) to approve the Special Meeting Minutes of May 1, 2021.

6.13. Regular Meeting Minutes of May 6, 2021

M/S/C (Chavez/Constantine) to approve the Regular Meeting Minutes of May 6, 2021

.

6.14. Special Meeting Minutes of May 21, 2021

M/S/C (Chavez/Constantine) to approve the Special Meeting Minutes of May 21, 2021.

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

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

7.2. Fiscal Year 2021 Statement of Revenue and Expenses Forecast

M/S/C (Chavez/Constantine) to review Fiscal Year 2021 Statement of Revenue and Expenses Forecast.

7.2.X. Clarification of 2016 Measure B Expenditure Decisions

M/S/C (Chavez/Constantine) to adopt **Resolution No. 2021.06.14** regarding 2016 Measure B FY2022 to FY2023 10-Year Program and Biennial Budget.

7.5. Project Labor Agreement (PLA)/Community Workforce Agreement

M/S/C (Chavez/Constantine) to receive a presentation on the proposed Project Labor Agreement (PLA)/Community Workforce Agreement.

7.6. Silicon Valley Rapid Transit (SVRT) Program Update

M/S/C (Chavez/Constantine) to receive Silicon Valley Rapid Transit (SVRT) Program Update.

RESULT:	Approved -Consent Agenda # 6.1-6.15; 7.2; 7.2.X; 7.5; 7.6
MOVER:	Cindy Chavez, Board Member
SECONDER:	Rich Constantine, Board Member
AYES:	Burt, Chavez, Constantine, Davis, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	None

7. REGULAR AGENDA

7.1. Approval of Employment Agreement for General Manager/CEO – Carolyn Marie Gonot

Sylvester Fadal, Chief Administrative Officer, provided a brief overview of the staff report.

Public Comment

Mr. Lebrun opposed the appointment of Carolyn Marie Gonot as VTA General Manager/CEO.

Mr. Beekman reiterated comments about VTA's budget and the need for transparency.

M/S/C (Chavez/Liccardo) to approve the employment agreement between Santa Clara Valley Transportation Authority ("VTA") and Carolyn Marie Gonot as VTA's General Manager/CEO.

RESULT:	Approved -Agenda Item 7.1
MOVER:	Cindy Chavez, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Burt, Chavez, Constantine, Davis, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	None

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

Review Fiscal Year 2021 Statement of Revenue and Expenses Forecast.

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

Adopt a resolution regarding 2016 Measure B FY2022 to FY2023 10-Year Program and Biennial Budget.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

7.3. Approval of Biennial Budget for Fiscal Years 2022 and 2023

Kathleen Kelly, Interim Chief Financial Officer, and Franklin Wong, Deputy Director of Finance, Budget & Program Management, provided an overview of the staff report and provided a presentation entitled Recommended Biennial Budget Fiscal Years 2022 and 2023.

Theadora Abraham, Board Assistant, noted for the record that two written public comments received from Turnout for Transit and Eugene Bradley, Interested Citizen, were provided to the Board and can be found in the online agenda packet.

Public Comment

Mr. Kunzler urged the Board to include in the budget funds for the following: 1) hazard pay for VTA front line workers; 2) mental health; and 3) lobbyists to address gun violence.

Mr. Lebrun commented about the following: 1) Turnout for Transit report; 2) how to address the structural deficit; and 3) Measure B ballot language.

Mr. Bradley commented about the following: 1) working with ATU Local 265 leadership to return light rail to full service; and 2) retroactive hazard pay for employees.

Mr. Beekman provided suggestions on how to resume light rail to full service and reiterated comments about transparency.

Kevin Ma, Turnout for Transit, commented about the following 1) discrepancies in the presentation; 2) restoring transit service; and 3) hazard pay for frontline workers.

Ms. Dupree commented about the following: 1) thanked the Board for not increasing fares for the public; and 2) VTA receiving federal funds.

Lorence Bradford, ATU 1756, urged the Board to approve hazard pay for ATU Local 265 employees.

Members of the Board and staff discussed the following: 1) Caltrain funding, including funds for state of good repair; 2) 2008 Measure B funds; 3) concerns about the burn rate as it relates to the annual contributions towards BART Capital improvement programs; 4) specifics of the VTA and BART Operations and Maintenance agreement; 5) models used for forecasting; 6) Federal Relief Funding; and 7) information regarding technologies that would help assist with long term sustainability.

Victor Pappalardo, Deputy General Counsel, provided clarification and addressed questions related to the VTA and BART Operations and Maintenance agreement.

Jim Lawson, Chief External Affairs Officer, noted staff is continuing to research information regarding technologies that would help assist with long term sustainability; and once completed would provide the information to the Board.

M/S/C (Jones/Chavez) to adopt **Resolution No. 2021.06.15** approving the Fiscal Years 2022 and 2023 Biennial Budget for the period July 1, 2021, through June 30, 2023.

RESULT:	Adopted -Agenda Item #7.3
MOVER:	Chappie Jones, Vice Chairperson
SECONDER:	Cindy Chavez, Board Member
AYES:	Burt, Chavez, Constantine, Davis, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	None

7.4. (Deferred to a future Meeting.)

Accept the Design Development Framework (DDF) for the Transit-Oriented Development (TOD) site located on the VTA Block in Downtown San Jose.

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 the Governance and Audit Committee.

BOARD OF DIRECTORS

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

Receive a presentation on the proposed Project Labor Agreement (PLA)/Community Workforce Agreement.

SVRT PROGRAM UPDATE

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

Receive Silicon Valley Rapid Transit (SVRT) Program Update.

8. OTHER ITEMS

8.1. General Manager Report

Evelynn Tran, General Counsel and Interim General Manager/CEO, provided a report and thanked the following: 1) neighboring transit agencies including Sam Trans, AC Transit, San Francisco Municipal Transportation Agency (SFMTA), Santa Cruz Metro, and Golden Gate, for assisting VTA during this difficult time due to the May 26, 2021, incident at Guadalupe; 2) first responders who assisted VTA the morning of May 26, 2021; and 3) the public for their continued patience as VTA employees continue to grieve and mourn the loss of the fallen VTA employees.

Ms. Tran continued her report, noting the following: 1) with limited resources, VTA is focusing bus transit service where needed; 2) while VTA employees grieve, light rail service is discontinued until further notice; 3) VTA's communication efforts to all employees; and 4) public outreach efforts to provide status of VTA's light rail service.

8.1.A. Government Affairs Update

Chairperson Hendricks noted that the Government Affairs report was included in the online agenda packet.

Public Comment

Mr. Bradley commended neighboring agencies that are assisting VTA with transit service.

Mr. Lebrun expressed concern about the ridership forecast for Milpitas BART station.

Mr. Beekman commented about addressing mental health.

Adina Levin, Friends of Caltrain, offered condolences to VTA and the community.

Mr. Kunzler made the following comments: 1) reiterated comments about retroactive hazard pay for employees and addressing mental health; and 2) thanked the Board for their leadership during this time.

John Rainville, Interested Citizen, commented about the need to restore transit service.

Upon inquiry of a Member of the Board, Ms. Kelly and Mr. Lawson reported about the American Rescue Plan Act (ARPA 2021) and any guidelines for distributing the funds.

8.2. Chairperson's Report

Chairperson Hendricks wished our LGBTQ+ friends and colleagues a happy Pride month 2021.

8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no items of Concern and Referral to Administration.

8.4. Announcements

There were no Announcements.

9. CLOSED SESSION

9.1 (Deferred to a future Meeting.)

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

Name of Case: Sharks Sports & Entertainment LLC v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No. 18CV327687, CA 6th District Court of Appeal Case No. H049010)

10. ADJOURNMENT

On order of Chairperson Hendricks and there being no objection, the meeting was adjourned at 7:33 p.m. in memory of our VTA Family Members Abdolvahab Alaghmandan, Adrian Balleza, Alex Ward Fritch, Jose de Jesus Hernandez III, , Lars Kepler Lane, Paul De la Cruz Megia, Timothy Michael Romo, Michael Joseph Rudometkin, and Taptejdeep Singh

Respectfully submitted,

Theadora Abraham, Board Assistant
VTA Office of the Board Secretary