

BOARD OF DIRECTORS MEETING

Thursday, September 2, 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 Vice Chairperson Jones at 5:35 p.m. via video and teleconference.

1.1 ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio	Present
Marie Blankley	Alternate Board Member	Present
Patrick "Pat" Burt	Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Board Member	Present
Rich Constantine	Board Member	Present
Dev Davis	Alternate Board Member	Absent
Lisa Gillmor	Alternate Board Member	Present
Glenn Hendricks	Chairperson	Absent
Sergio Jimenez	Board Member	Absent
Charles "Chappie" Jones	Board Member	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

Vice Chairperson Jones noted that the meeting would be adjourned in memory of VTA Employee Henry Gonzales.

A moment of silence was held for Henry Gonzales.

Vice Chairperson Jones noted staff requested the following changes to the order of the agenda: 1) hear **Item #8.1**, General Manager's Report, before the Consent Agenda; and 2) move **Item #9**, Closed Session, after Item #8.1, General Manager's Report.

Public Comment

Roland, Interested Citizen, commented that public comment was not called before adjourning to Closed Session at the Governance and Audit (G&A) Committee meeting. He also requested that **Item #7.1.**, Downtown Design Development Framework (DDF) for VTA Block, be placed on the Consent Agenda, out of respect for Mr. Henry Gonzales.

Blair Beekman, Interested Citizen, requested explanation for the changes on the order of the agenda..

Sameer Gupta, Interested Citizen, made the following comments: 1) urged VTA to proceed testing on the Light Rail Blue Line to resume service; and 2) expressed concern about the lack of service on the Light Rail Blue Line.

Paul Soto, Interested Citizen, commented about Board Member Simitian.

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

RESULT:	ACCEPTED – Agenda Item #1.2
MOVER:	Pat Burt, Board Member
SECONDER:	Rich Constantine, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Gillmor, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	Jimenez

2. AWARDS AND COMMENDATION

2.1. Retirement Commendation

The Board of Directors recognized the following employees for their public service with VTA: 1) Carlos Ramirez, Coach Operator, for 35 years of service; 2) Kevin Taylor, Bus Dispatcher, for 34 years of service; 3) Tomas Oppus, Electronic Technician, for 31 years of service; and 4) Greg Orzel, Facilities Worker, for 31 years of service.

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

3. PUBLIC COMMENT

Reyne Jimeno, Board Assistant, noted that the written public comment received from M. Cohen Zakai was posted on the Agenda Portal.

The following Interested Citizens expressed the following: 1) support for providing retroactive hazard compensation package to front-line employees; and 2) urged Management to meet with Union leaders.

- Rosie, ATU Local 265
- Ann Marie
- Eugene Bradley
- Kiko
- Armando Garcia Barbosa, ATU Local 265
- Michael Valencia
- Eric Chavez
- Sultana Adams, ATU 192
- Rachel Garcia-Freezel
- John Courtney, ATU Local 265 President
- Alicia Prieto
- Johnny Gallegos
- Stephanie

Mr. Soto expressed concern about the public speaking process.

Biz, VTA Employee, expressed concern about the toxic environment and culture in the Customer Service Department and requested a third-party investigation.

Mr. Bradley commented on restoring light rail service.

Mr. Beekman commented on the following: 1) reiterated his inquiry about the changes to the order of agenda; 2) ShotSpotters; and 3) high speed rail.

Ms. Garcia-Freezel expressed concern about cutting off public speakers passed the allotted time.

Mr. Courtney commented about attendees' speaking time.

4. PUBLIC HEARINGS

There were no Public Hearings.

5. COMMITTEE REPORTS

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

There was no Citizens Advisory Committee (CAC) Chairperson's Report.

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

Kitty Moore, Policy Advisory Committee (PAC) Chairperson, provided a brief report on the PAC Meeting of September 9, 2021.

5.3. Standing Committee Chairpersons' Report

Vice Chairperson Jones noted that the Standing Committee Chairpersons' Reports were posted on the online agenda packet.

5.4. Policy Advisory Board Chairpersons' Report

There was no Policy Advisory Board Chairpersons' Report.

5.5. Oversight Committee Chairperson's Report

There was no Oversight Committee Chairperson's Report.

Public Comment

Mr. Beekman commented about workers compensation and employee salary increases in other agencies.

The Agenda was taken out of order.

8. OTHER ITEMS

8.1 General Manager Report

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) her priorities/goals as General Manager/CEO; 2) resumption of light rail service; 3) COVID testing and vaccination sites; 4) August 29, 2021, Silicon Valley Pride Parade; 5) VTA Procurement Team received the Achievement of Excellence in Procurement award; 6) VTA Procurement Team hosted two Bay Area Diversity Business forums in August 2021; 7) Montague Pedestrian Overcrossing Ribbon Cutting event held on August 23, 2021; and 8) creation of a County Trauma Recovery Center.

Angelique Gaeta, Chief of System Safety & Security, provided a report on VTA's efforts to restart rail service safely.

Vice Chairperson Jones thanked the light rail teams for their support in restoring light rail service. He recognized management and union leaders for working collaboratively to resume light rail service safely. Vice Chairperson Jones also thanked the riding public for their support, patience, and understanding while work is in progress to resume service on the other light rail segments.

Jay Tyree, Transportation Planning Manager – Service Planning, provided an update on VTA service.

8.1.A. Government Affairs Update

Ms. Gonot noted that the Government Affairs update was in the agenda packet, including the Ridership and Safety & Security Statistics.

Public Comment

Mr. Bradley commented about overcrowding at bus routes 60 and 68 and inquired how overcrowding and bus pass ups will be addressed.

Mr. Lebrun commented about the following: 1) Capital Silicon Valley alleged new location; 2) rides for students from south downtown San Jose to San Jose State University; and 3) empty light rail blue line cars.

Sameer Gupta, Interested Citizen, expressed concern about the following the lack of service on the light rail blue line and its impacts to students.

Mr. Beekman commented about the following: 1) noted the frustration by riders; 2) rides for handicap persons; 3) cyber-attack on VTA network; 4) open democratic practices; and 5) safety issues on charging electric buses on light rail electric cables.

Ms. Gonot addressed the public attendees' comment about the light rail blue line service. She noted that staff is working hard to inspect and repair the entire system to get the blue line back to service by mid-September.

9. CLOSED SESSION

Public Comment

Ms. Jimeno noted that the written public comment from Mr. Lebrun on **Item #9.1.E**, Conference with Real Property Negotiators, was posted on the online agenda packet.

Mr. Lebrun inquired about the current vacant workspaces at VTA's Administrative Offices.

Mr. Beekman referenced the litigation issues on this item and urged for: 1) open democratic policies practices; and 2) data collection restriction. He queried about how long closed session would be.

9.1. Recessed to Closed Session at 6:46 p.m.

A. Conference with Legal Counsel - Existing Litigation

[Government Code Section 54956.9(d)(1)]

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

B. Conference with Legal Counsel - Existing Litigation

[Government Code Section 54956.9(d)(1)]

Name of Case: Balleza v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ1 4897666)

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

Significant Exposure to Litigation

No. of Cases: 8 from primary surviving dependents of the May 26, 2021,
event at Guadalupe Light Rail Facility

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

Name of Case: Paiz. v. Santa Clara Valley Transportation Authority, et al.
(Santa Clara County Superior Court Case No.: 19CV348819)

- E.** 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; Takis Salpeas, Chief, VTA BART Silicon Valley Extension
Delivery Program; Brittain Cheney, Senior Vice President, Cushman &
Wakefield

Negotiating Parties: Nate Carlson, Director, SFI De La Cruz Boulevard,
LLC

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

9.2. Reconvened to Open Session at 8:13 p.m.

9.3. Closed Session Report

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

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

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

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

Name of Case: Balleza v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ1 4897666)

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

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

Significant Exposure to Litigation

No. of Cases: 8 from primary surviving dependents of the May 26, 2021,
event at Guadalupe Light Rail Facility

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

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

Name of Case: Paiz. v. Santa Clara Valley Transportation Authority, et al.
(Santa Clara County Superior Court Case No.: 19CV348819)

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

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[Government Code Section 54956.8]

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Negotiating Parties: Nate Carlson, Director, SFI De La Cruz Boulevard,
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Under Negotiation: Terms and condition of lease for BART Silicon Valley
Extension office space

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

6. CONSENT AGENDA

Public Comment

Mr. Beekman commented on the following: 1) surveillance technology; and 2) open public
policy practices.

Mr. Bradley expressed support for **Item #6.2**, Light Rail Transit Signal Priority Detection
Upgrades - Contract Amendment #1 and **Item #6.8**, Resolution for the provision of

financial assistance to the families of the victims of the May 26, 2021, Guadalupe Rail Yard Incident. He thanked Board Member Chavez for her initiative in proposing a trauma recovery center and the immediate trauma-related services for VTA employees, their families and for the victims of violent crimes and other traumatic incidents.

Mr. Lebrun referenced **Item #6.6**, Complete Streets Corridor Studies: Tasman Drive and Bascom Avenue and commented the only way to get to Vision Zero is to move bicyclists and pedestrians out of main roads and place them on dedicated areas like bike superhighways.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. Resolution to Execute Agreements with the California Department of Transportation

M/S/C (Chavez/Constantine) to adopt **Resolution No. 2021.09.29** authorizing the General Manager to file and execute funding agreements and other necessary documents with the State of California Department of Transportation (Caltrans) to receive Sustainable Transportation Planning Grant Program funds to prepare the Transit-Oriented Development (TOD) Access Study and Climate Action and Adaptation Plan (CAAP).

6.2. Light Rail Transit Signal Priority Detection Upgrades - Contract Amendment #1

M/S/C (Chavez/Constantine) to authorize the General Manager to execute a contract amendment with ACT Traffic Solutions in the amount of \$500,500 resulting in a new total contract value of \$1,980,500 to provide additional materials and labor to upgrade transit signal priority (TSP) equipment on 98 light rail vehicles.

6.3. California Department of General Services Contract for Diesel Fuel

M/S/C (Chavez/Constantine) to authorize the General Manager to execute a contract up to \$10.38 million dollars with Hunt and Sons for Renewable Diesel fuel for VTA's bus fleet for a period not to exceed one year.

6.4. Contract Award for General Liability Third Party Claims Administrator

M/S/C (Chavez/Constantine) to authorize the General Manager to execute a contract with the incumbent, Carl Warren & Company for General Liability Third Party Claims Administration services for a five-year term from October 1, 2021, to September 30, 2026, with options for two one-year extensions for a total amount not to exceed \$4,597,477.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

6.5. FY2021/22 TDA3 Project Priorities

M/S/C (Chavez/Constantine) to adopt **Resolution No. 2021.09.30** approving the project priorities for the FY 2021/22 Countywide Transportation Development Act (TDA) Article 3 program.

6.6. Complete Streets Corridor Studies: Tasman Drive and Bascom Avenue

M/S/C (Chavez/Constantine) to adopt the Tasman Drive and Bascom Avenue Complete Streets Corridor Studies.

6.7. Programmed Project Monitoring - Quarterly Report

M/S/C (Chavez/Constantine) to receive the Programmed Projects Quarterly Monitoring Report for April - June 2021.

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 Governance and Audit Committee.

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6.8. Adopt a Resolution for the Provision of Financial Assistance to the Families of the Victims Who Lost their Lives due to the May 26, 2021, Guadalupe Rail Yard Incident.

M/S/C (Chavez/Constantine) to adopt **Resolution No. 2021.09.31** for the provision of financial assistance to the families of the victims who lost their lives due to the May 26, 2021, Guadalupe Rail Yard Incident.

6.9. Regular Meeting Minutes of August 5, 2021

M/S/C (Chavez/Constantine) to approve the Regular Meeting Minutes of August 5, 2021.

6.10. Special Meeting Minutes of August 5, 2021

M/S/C (Chavez/Constantine) to approve the Special Meeting Minutes of August 5, 2021.

6.11 Special Meeting minutes of August 13, 2021

M/S/C (Chavez/Constantine) to approve the Special Meeting Minutes of August 13, 2021.

6.12 Receive unapproved Meeting Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

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

RESULT:	APPROVED [UNANIMOUS] – Agenda Items #6.1 – 6.12
MOVER:	Cindy Chavez, Board Member
SECONDER:	Rich Constantine, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Gillmor, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	Jimenez

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 & 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.

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7.1. Downtown Design Development Framework (DDF) for VTA Block

Ron Golem, Director of Real Estate & Transit-Oriented Development (TOD), and Peter Sokoloff, Foster + Partners, provided a presentation entitled “Downtown Design Development Framework (DDF) for VTA Block.”

Public Comment

Mr. Bradley commented small businesses were negatively impacted in the late 1980s, during the light rail development. He urged that steps are taken to ensure that it does not happen again.

Mr. Lebrun commented on the design and framework of the proposed development.

Mr. Beekman commented on the \$500,000 cost for light rail signal stop. He expressed concern that the project was exclusive and excludes other people.

Board Member Paul expressed concern about under-delivered housing units referencing to the TOD program. Mr. Golem noted an agenda item on Transit-Oriented Development Review, Business Plan Background will be presented at the next Policy Advisory Committee (PAC) meeting. Mr. Golem noted that Mr. Paul’s concern on shortage of housing units will be discussed at the PAC meeting and will be reported back to the Board.

M/S/C (Paul/Liccardo) to accept the Design Development Framework (DDF) for the Transit-Oriented Development (TOD) site located on the VTA Block in Downtown San Jose.

RESULT:	APPROVED – Agenda Item #7.1
MOVER:	Darcy Paul, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Gillmor, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	Jimenez

7.2. Allied Universal Security Services Contract

Ms. Gaeta provided a presentation on the Allied Universal Security Services Contract.

Public Comment

Ms. Jimeno noted that the written public comment received from Mr. Lebrun was posted on the Agenda Portal.

Mr. Beekman commented about security of light rail tracks.

Mr. Lebrun noted his support of the Allied Universal Security Services Contract. He queried about the implementation of metal detectors.

Mr. Bradley concurred with Mr. Beekman and Mr. Lebrun's comments. He suggested more frequent presence of security personnel on buses and light rail during late night shifts for the safety of operators.

Board Member Chavez asked for an ability, if necessary, to end the contract with six-month's notice and noted she wanted more information from the contractor. She noted the need to re-examine VTA's public safety approach and explore ways on how to respond to future trends and needs.

M/S/C (Chavez/Constantine) on a vote of 10 ayes to 0 noes to 1 abstention to authorize the General Manager/CEO to execute a contract with Universal Protection Service, LP, d/b/a Allied Universal Security Services, to provide armed and unarmed security services for Santa Clara Valley Transportation Authority from October 1, 2021 through September 30, 2026, for a contract amount of \$40,220,069; with two (2) additional one-year option periods to extend the contract through September 30, 2028, for a total contract amount not to exceed \$58,528,662. Board Member Simitian abstained.

RESULT:	APPROVED – Agenda Item #7.2
MOVER:	Cindy Chavez, Board Member
SECONDER:	Rich Constantine, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Gillmor, Jones, Liccardo, Montano, Paul, Peralez
ABSTAIN:	Simitian
NOES:	None
ABSENT:	Jimenez

7.3. Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, Silicon Valley Extension Project Chief, provided an update on the Silicon Valley Rapid Transit (SVRT) Program.

Public Comment

Ms. Jimeno noted that the written public comment from Mr. Lebrun was posted on the online agenda packet.

Mr. Lebrun provided explanation on the contents of his written public comment for this item.

Mr. Beekman supported Mr. Lebrun's comment and suggested re-investing the 25% federal funding.

Discussion ensued on the following: 1) Disadvantaged Business Enterprise (DBE) and Small Business Element (SBE) procurement goals; 2) immediate availability of funds.

Members of the Board requested the following: 1) Board to review the contracts prior to awarding; 2) Board to meet to address challenges from Phase I and changes and policies made; and 3) brief the Board of what work has been done and the policy changes.

On order of Vice Chairperson Jones and there being no objection, the Board received the Silicon Valley Rapid Transit (SVRT) Program Update.

8. OTHER ITEMS (CONTINUED)

8.2. Chairperson's Report

There was no Chairperson's Report.

8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Vice Chairperson Jones noted a Referral to Administration on Workplace Safety and Culture Review was submitted to the Board and was posted on the online agenda packet.

Board Member Chavez provided a brief presentation of the Referral to Administration – Workplace Safety & Culture Review.

Board Member Peralez expressed his support on creating and improving a safe workplace environment. He suggested considering opportunities for potential hazard pay for employees and agendaize for the next Board meeting.

Public Comment

Mr. Beekman commented on the following: 1) importance of safe work environment; and 2) discussion of security service at public meetings.

Mr. Bradley concurred with Mr. Beekman's comments. He further commented about VTA's culture. He expressed concern about the lack of alternative service in South San Jose and Campbell.

Mr. Lebrun commended Board Member Peralez about his comments on hazard pay.

Melanie Simpson, Interested Citizen, commented the following: 1) addressing the workplace culture is important; and 2) having a consultant to bridge the communication gap between employees and executives.

Ms. Gonot expressed her appreciation for the comments and referrals. She noted the following: 1) importance of communication in the healing process; 2) available resources and tools for employees to help with their jobs; 3) resources and services available for employees and families to heal; and 4) working with the Union.

8.4. Announcements

There were no Announcements.

10. ADJOURNMENT

On order of Vice Chairperson Jones and there being no objection, the meeting was adjourned at 9:39 p.m. in memory of VTA Employee Henry Gonzales.

Respectfully submitted,

Reyne Jimeno, Board Assistant
VTA Office of the Board Secretary