

BOARD OF DIRECTORS MEETING

Friday, June 17, 2022

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 Jones at 9:00 a.m. via video and teleconference.

1.1. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio	Present
Marie Blankley	Alternate Board Member	Absent
Pat Burt	Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Board Member	Present
Rich Constantine	Vice Chairperson	Present
Dev Davis	Alternate Board Member	Absent
Glenn Hendricks	Board Member	Present
Sudhanshu "Suds" Jain	Board Member	Present
Sergio Jimenez	Board Member	Present
Charles "Chappie" Jones	Chairperson	Present
Otto Lee	Board Member	Present
Lynette Lee-Eng	Alternate Board Member	Present
Sam Liccardo	Board Member	Present
Carmen Montano	Alternate Member	Present
Darcy Paul	Board Member	Present
Raul Perez	Board Member	Present
Rob Rennie	Alternate Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

Board Member Perez joined the video and teleconference meeting at
9:02 a.m.

Board Member Carrasco joined the video and teleconference meeting at
9:03 a.m.

1.2. Orders of the Day

Chairperson Jones noted an addendum to the Agenda, **Item #6.3.X.**, Subsequent Resolution to Continue Remote Board and Committee Meeting, and that the Agenda was revised to update the language for **Item #7.5.**, 2016 Measure B Highway Interchanges Category - Noise Abatement Competitive Grant Pre-Screening Criteria.

Chairperson Jones noted that staff requested the following changes to the Agenda: 1) place on Consent, **Agenda Item #7.3.**, Equal Employment Opportunity/Affirmative Action Plan; and 2) Remove from Closed Session, **Agenda Item #9.1.B.**, Conference with Real Property Negotiators.

Chairperson Jones also noted that Board Member Liccardo requested placing **Agenda Item #7.2.**, SB 917 (Becker) Position, as the last item on the Regular Agenda.

M/S/C (Jain/LeeEng) to accept Orders of the Day.

RESULT:	ACCEPTED Orders of the Day - Agenda Item #1.2
MOVER:	Sudhanshu “Suds” Jain, Board Member
SECONDER:	Lynette Lee Eng, Alternate Board Member
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Lee Eng, Paul, Peralez
NOES:	None
ABSENT:	Liccardo

2. AWARDS AND COMMENDATION

There are no Awards and Commendation.

3. PUBLIC COMMENT

Blair Beekman, Interested Citizen, commented on the following: 1) ShotSpotters; and 2) analysis of mixed household income relating to housing projects.

Michael Anthony, Interested Citizen, expressed concern about the sanitation issue in station elevators. He mentioned an out of state pilot program that detects urine and suggested VTA install this technology at station elevators.

Carmen Montano, Vice Mayor, City of Milpitas, expressed concern about the sanitation issue at the Diridon Station restrooms.

James Lawson, Chief External Affairs Officer, noted that Caltrain would be notified of Vice Mayor Montano’s concern.

4. PUBLIC HEARINGS

There were no Public Hearings.

5. REPORTS

5.1. Committees Reports

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

Citizens Advisory Committee (CAC) Vice Chairperson Miller provided a brief report on the CAC meeting of June 8, 2022.

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

Policy Advisory Committee (PAC) Chairperson Moore provided a brief report on the PAC meeting of June 9, 2022.

5.1.C. Standing Committee Chairpersons' Report

There were no Standing Committee Chairpersons' Report.

5.1.D. Policy Advisory Board Chairpersons' Report

There was no Policy Advisory Board Chairpersons' Report.

Public Comment

Mr. Beekman commented about the following: 1) thanked CAC Vice Chairperson Miller for his report; 2) public oversight for 2000 Measure A and 2016 Measure B funding; and 3) referenced PAC Chairperson report about study on mixed household income for housing project.

5.2. General Manager Report

Carolyn Gonot, General Manager/CEO, recognized the following VTA employees for their diligent service and courageous acts: Chaboya Bus Operators Carlos Lopez and Natalie Martinez, and Transit Radio Dispatchers Shona Burnett and Melody Canales.

Ms. Gonot reported on the following: 1) graduation of 15 new bus operators on June 15, 2022; 2) she attended the session on "Building an Employee Mental Health Care Program within your Agency" at the American Public Transportation Association (APTA) Rail Conference; and 3) media coverage.

5.2A. Operator Assaults

Ms. Gonot noted that this item was agendaized in response to a Board referral from earlier this month. She introduced Captain Jose Cardoza,

Santa Clara County Sheriff's Office. Captain Cardoza reviewed the process for handling operator assaults including reporting, investigation, and District Attorney process. He also provided the latest statistics on operator assaults as well as the recent effort to apprehend the individual who assaulted an operator at the Milpitas Transit Center.

5.2.B. Government Affairs Update

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

Public Comment

John Courtney, Amalgamated Transit Union (ATU) Local 265, commented about the following: 1) thanked Ms. Gonot for recognizing the new bus operator graduates; 2) security of bus operators; and 3) addressing operator assaults.

Eugene Bradley, Silicon Valley Transit Users, commended the officers and staff at the Sheriff's Office for handling the bus-jacking that took place recently. He noted he had not received a response from VTA staff regarding his concern about the security of VTA buses, passengers, and facilities.

Mr. Beekman commented on the following: 1) extending Public Comment speaking time; and 2) data collection on operator assaults incidents.

Anne Marie, Interested Citizen, commented on the following: 1) recruitment of new bus operators and Operations Control Center (OCC) dispatchers; 2) vaccination mandate; and 3) mental health issues.

Vice Mayor Montano expressed concern about the safety of bus operators. She suggested the use of body cameras by bus operators and collaboration with the union.

Board Member Chavez suggested the following: 1) direct staff to partner with agencies, Allied Security, Sheriff's office, and district attorney to review current protective services and formulate recommendations for increased safety of drivers and passengers, and support; 2) create a campaign posted on the buses and high frequency bus stops and stations bearing a message of zero tolerance of hostile and abusive activities to bus operators; 3) agendaize a standing item on the Board agenda to report such activities and actions.

Discussion ensued on the following: 1) commended the radio dispatchers and bus operators for their quick response to the two mentioned incidents; 2) prioritize a safe environment for employees and passengers; 3) upgrade resolution of cameras on and outside the buses; and 4) ban abusive perpetrators from taking public transit.

Ms. Gonot noted that threatening behavior towards bus operators and riders would be referred to the Legal Department.

Chairperson Jones noted that the recommendations be referred to the Governance and Audit (G&A) Committee and the Safety, Security and Transit Planning and Operations (SSTPO) Committee.

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

5.3. Chairperson's Report

There was no Chairperson's Report.

6. CONSENT AGENDA

Ms. Chavez recused from **Agenda Item #6.3.**, US 101 /San Antonio Road Interchanges Improvement - WMH Corporation (S19198) - Amendment #4 due to Government Code Section 84308.

Public Comment

Mr. Beekman referenced the following: 1) **Agenda Item #6.3.X.**, noting his hopes for continued remote video and teleconference meetings; and 2) **Agenda Item #7.1.** and commented on body cameras for bus drivers.

Board Member Burt joined the video and teleconference meeting
at 10:01 a.m.

6.1. Ratification of Reappointments to the Bicycle & Pedestrian Advisory Committee

M/S/C (Constantine/Jain) to ratify reappointments to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2024.

6.2. Tamien Station Transit-Oriented Development Project – Far Western Anthropological Research Group

M/S/C (Constantine/Jain) to authorize the General Manager to execute a contract amendment with Far Western Anthropological Research Group, Inc. (Far Western) in the amount of up to \$3,000,000 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.

6.3. US 101 /San Antonio Road Interchanges Improvement - WMH Corporation (S19198) - Amendment #4

M/S/C (Constantine/Jain) on a vote of 11 ayes, 0 noes, and 1 refusal to authorize the General Manager to execute a contract amendment with WMH Corporation in the amount of \$4,485,500 for a total contract value of \$5,060,500 and to use the new total contract value to calculate the General Manager's amendment authority under Administrative Code Section 9.2(h) and extend the contract term to December 31, 2025 to complete the Project Approval /Environmental Documentation (PA/ED) phase for the US 101 Interchange Improvements: San Antonio Road to Charleston Road/ Rengstorff Avenue project. Board Member Chavez refused due to Government Code Section 84308.

6.3.X Subsequent Resolution to Continue Remote Board and Committee Meeting

M/S/C (Constantine/Jain) to adopt a subsequent **Resolution No. 2022.06.22** 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).

7.3 Equal Employment Opportunity/Affirmative Action Plan January 1, 2022 - December 31, 2025

M/S/C (Constantine/Jain) to review the VTA's Equal Employment Opportunity (EEO)/ Affirmative Action Plan (AAP).

RESULT:	APPROVED - Agenda Items 6,1, 6.2, 6.3.X and #7.3
MOVER:	Rich Constantine, Vice Chairperson
SECONDER:	Sudhanshu "Suds" Jain, Member
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Lee Eng, Paul, Peralez
NOES:	None
ABSENT:	Liccardo

RESULT:	APPROVED - Agenda Item #6.3
MOVER:	Rich Constantine, Vice Chairperson
SECONDER:	Sudhanshu "Suds" Jain, Member
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Lee Eng, Paul, Peralez
NOES:	None
ABSENT:	Liccardo
RECUSAL:	Chavez

7. REGULAR AGENDA

7.1. Organizational Culture & Climate Transformation Contract

Brandi Childress, Chief of Staff to the General Manager, noted this item was deferred from the last Board meeting. Ms. Childress introduced Tammy Dhanota, SEIU Local 521 President.

Ms. Dhanota provided a brief report and asked that the item be postponed to the August 4, 2022 Board Meeting

Public Comment

Reyne Jimeno, Board Assistant, noted that a joint letter from ATU Local 265, Professionals and Technical Engineers Local 21, SEIU Local 521, and AFSCME was received and posted on the agenda portal.

Ms. Marie expressed her appreciation for going forward with the culture change process.

Chairperson Jones supported deferring the item, noting he is assured the process would conclude and will be ready for board consideration at the August 2022 Board of Directors (Board) meeting.

Members of the Board concurred with Chairperson Jones.

M/S/C (Constantine/Lee) on a vote of 10 ayes, 1 no, to 0 abstentions to defer the following item to the August 4, 2022, Board meeting: Authorize the General Manager to execute a contract with Deloitte Consulting, LLP., for organizational culture and climate transformation consulting services for a period of two (2) years in the amount of \$1,992,442.

RESULT:	DEFERRED – Agenda Item: #7.1
MOVER:	Rich Constantine, Vice Chairperson
SECONDER:	Otto Lee, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Jain, Jimenez, Jones, Lee, Paul, Peralez
NOES:	Hendricks
ABSENT:	Liccardo

The Agenda was taken out of order.

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

Review VTA's Equal Employment Opportunity (EEO)/Affirmative Action Plan (AAP).

7.4 Updated 2016 Measure B Program Category Guidelines

Jane Shinn, Senior Transportation Planner, provided a presentation on the updated 2016 Measure B Program Category Guidelines.

Public Comment

Mr. Beekman noted that his comments for the previous items were valid, noting that opinions should be respected.

Adina Levin, Friends of Caltrain, commented on the following: 1) focus on Caltrain grade separation project; 2) funds from 2016 Measure B, federal and state for Santa Clara agreed projects to move forward.

On order of Chairperson Jones and there being no objection, the Board reviewed and discussed the updated program category guidelines for the nine 2016 Measure B Program Categories.

7.5. 2016 Measure B Highway Interchanges Category - Noise Abatement Competitive Grant Pre-Screening Criteria

Ms. Shinn provided a presentation on the 2016 Measure B Highway Interchanges Category - Noise Abatement Competitive Grant Pre-Screening Criteria.

Ms. Shinn addressed Vice Mayor Montano's query regarding application for grants on existing soundwalls in an older neighborhood in the City of Milpitas.

Board Member Peralez left the video and teleconference meeting
at 10:31 a.m.

Board Member Chavez reiterated her concern regarding the impact of soundwalls to the express lanes and encampments, noting that the sound protection and safety protection are critical in the design guidelines.

On order of Chairperson Jones and there being no objection, the Board reviewed and discussed the 2016 Measure B Highway Interchanges Category's Noise Abatement Competitive Grant Program pre-screening criteria.

7.2 SB 917 (Becker) Position

James Lawson, Chief External Affairs Officer, provided the staff report, highlighting the current markup to Senate Bill 917 (Becker) at the Assembly Transportation Committee.

Public Comment

Ms. Jimeno noted that a joint letter from Seamless Bay Area, Transform, Friends of Caltrain, Sustain Silicon Valley, and SPUR was received and was posted on the agenda portal.

The following Interested Citizens expressed their support for SB 917 and requested staff to continue working with Senator Becker in honing the bill:

- Adam Buchbinder
- Huascar Castro
- Erika Pinto, SPUR
- Christina Fitzgerald, Silicon Valley Independent Living Center
- Marlee Smith, SVLG

Board Member Liccardo joined the video and teleconference
meeting at 10:51 a.m.

Board Member Peralez returned to the video and teleconference
meeting at 11:00 a.m.

Mr. Lawson addressed the Board of Directors' queries on the following: 1) staff comprehension of Mayor Liccardo and San Jose Council's letter; 2) VTA's stance on possible disputes with other agencies and Metropolitan Transportation Commission (MTC); 3) funding provisions that may impact local services; 4) direct staff to continue working with Senate Becker's legislation; 5) VTA's position to support or oppose when the bill is in the final form at the Senate and Assembly floor.

M/S/C (Jimenez/Chavez) to direct staff to continue working with Senator Becker's staff on SB 917. The Board indicated a support position can be taken if specific amendments to the bill are adopted. The amendments include language to indicate the three projects noted in the bill are pilot projects; have the ability to opt in and opt out; no unfunded mandates; due process as it relates to MTC actions; and protection for communities of concern.

RESULT:	APPROVED – Agenda Item: #7.2
MOVER:	Sergio Jimenez, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	None

8. OTHER ITEMS

8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Board Member Chavez reiterated her request to address concerns regarding operator assaults, referencing the comments/concerns from the full Board.

8.2. Announcements

There were no Announcements.

8.3. Public Comment (Continued)

There was no Public Comment.

9. CLOSED SESSION

9.1. Recessed to Closed Session at 11:13 a.m.

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

Property: BART Silicon Valley Phase 2 Extension Parcel B3101, also known as APN 254-03-026

Agency Negotiator: Ron Golem, Director, Real Estate & Transit-Oriented Development

Negotiating Parties: Brian Greene, for owners Greene, Greene, and Garcia

Under Negotiation: Terms and conditions for the sale of property for the BART Phase 2 East Tunnel Portal area

(Removed from the Agenda.)

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

Property: Office and warehouse space located at 1960 Zanker Road, Suite 10, San Jose, CA within the “Zanker Place” development.

Agency Negotiator: Ron Golem, Director, Real Estate & Transit-Oriented Development; Brittain Cheney, Senior Vice President, Cushman & Wakefield

Negotiating Parties: Matt Kruvant, Vice President, Washington Holdings

Under Negotiation: Terms and conditions of a space lease

9.2. Reconvene to Open Session at 11:31 a.m.

9.3. Closed Session Report

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

Property: BART Silicon Valley Phase 2 Extension Parcel B3101, also known as APN 254-03-026

Agency Negotiator: Ron Golem, Director, Real Estate & Transit-Oriented Development

Negotiating Parties: Brian Greene, for owners Greene, Greene, and Garcia

Under Negotiation: Terms and conditions for the sale of property for the BART
Phase 2 East Tunnel Portal area

Victor Pappalardo, Deputy General Counsel, noted no reportable action was taken
during Closed Session.

10. ADJOURNMENT

On order of Chairperson Jones and there being no objection, the meeting was adjourned
at 11:32 a.m.

Respectfully submitted,

Reyne Jimeno, Board Assistant
VTA Office of the Board Secretary