

## BOARD OF DIRECTORS MEETING

Thursday, September 3, 2020

### 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 Chavez at 5:30 p.m. via video and teleconference.

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Marie Blankley	Alternate Board Member	Absent
Jeannie Bruins	Ex-Officio Member	Present
Larry Carr	Board Member	Present
Magdalena Carrasco	Board Member	Absent
Cindy Chavez	Chairperson	Present
David Cortese	Board Member	Present
Dev Davis	Alternate Board Member	Absent
Lan Diep	Board Member	Present
Susan Ellenberg	Alternate Board Member	Absent
Glenn Hendricks	Vice Chairperson	Present
Charles "Chappie" Jones	Board Member	Present
Liz Kniss	Alternate Board Member	Absent
Sam Liccardo	Board Member	Present
John McAlister	Board Member	Present
Howard Miller	Alternate Board Member	Present
Bob Nuñez	Board Member	Present
Teresa O'Neill	Alternate Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Board Member	Present

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

**A quorum was present.**

##### 1.2. Pledge of Allegiance

The Pledge of Allegiance commenced.

Board Member Liccardo joined the teleconference  
and video meeting at 5:32 p.m.

Board Member Rennie joined the teleconference  
and video meeting at 5:33 p.m.

### 1.3. Orders of the Day

Chairperson Chavez noted the following changes from staff: 1) to hear **Agenda Item #7.2**, BART Phase II Project – FTA Grant Application Support and **Agenda Item #7.3**, BART Phase II Project – Funding Development and Implementation together; and 2) to defer **Agenda Item #7.4**, Selection of a Developer for Curtner Transit-Oriented Development Negotiations.

Thalia Young, Board Assistant, noted that the written public comment from Roland, Interested Citizen was posted on the agenda portal.

#### **Public Comment**

Mr. Roland suggested moving **Agenda Item #2.2**, Resolution of Commendation – Carl Guardino to the Consent Agenda or limit Mr. Guardino to one minute of speaking time.

M/S/C (Liccardo/Carr) to accept the Orders of the Day.

<b>RESULT:</b>	<b>ACCEPTED – Agenda Item #1.3</b>
<b>MOVER:</b>	Sam Liccardo, Board Member
<b>SECONDER:</b>	Larry Carr, Board Member
<b>AYES:</b>	Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco

## 2. AWARDS AND COMMENDATION

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### 2.1. **Retirement Commendations**

The Board recognized the following retirees for their public service with VTA: 1) Gary Barretto, Transit Foreperson, for 41 years of service; and 2) Shirley Rayford, Coach Operator, for 29 years of service.

### 2.2. **Resolution of Commendation - Carl Guardino**

The Board recognized Carl Guardino for 24 years in leading the Silicon Valley Leadership Group and advocating for transportation, housing, and higher education ballot initiatives. Members of the Board reflected on Mr. Guardino's impact on the Bay Area.

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

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**Public Comment**

Mr. Roland urged the Board to reflect on the spending of 2000 Measure A funds.

The following Members of the Public expressed gratitude for Mr. Guardino's work:

- Michael Van Every, Interested Citizen;
- Alex Shoor, Interested Citizen; and
- Adina Levin, Interested Citizen.

Brian Preskitt, Interested Citizen, encouraged the Board to support **Agenda Item #7.5**, Naming Rights Asset Valuation Report and Marketing Authorization.

**M/S/C (Hendricks/Carr)** to adopt **Resolution No. 2020.09.29** giving special tribute, due honor, and recognition to Carl Guardino.

<b>RESULT:</b>	<b>ADOPTED – Agenda Item #2.2</b>
<b>MOVER:</b>	Glenn Hendricks, Vice Chairperson
<b>SECONDER:</b>	Larry Carr, Board Member
<b>AYES:</b>	Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco

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**3. PUBLIC COMMENT**

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Ms. Young noted that written public comment was received from Mr. Roland.

Blair Beekman, Interested Citizen, commented on the following: 1) San José is starting an automatic vehicle program; and 2) shot spotter technology at the Berryessa BART station.

Mr. Roland made the following comments: 1) expressed concern that presentations are not posted 24 hours before the meeting; and 2) requested a statement from the General Counsel about 2000 Measure A compliance.

Aleta Dupree, Interested Citizen, commented on 1) Clipper card; and 2) praised the leadership of Nuria I. Fernandez General Manager/CEO.

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**4. PUBLIC HEARINGS**

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There were no public hearings.

## **5. COMMITTEE REPORTS**

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

Citizens Advisory Committee (CAC) Chairperson Schulter provided a report on CAC's meeting of August 12, 2020.

#### **Public Comment**

Mr. Roland made the following comments: 1) expressed concern on the timing of the 2000 Measure A report for FY 2019; and 2) requested a report from the Chairperson on 2000 Measure A at the September 18, 2020 Board Workshop.

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

Chairperson Chavez noted the Policy Advisory Committee (PAC) Chairperson's report was included in the online agenda packet.

### **5.3. Standing Committee Chairpersons' Report**

Chairperson Chavez provided a brief report on the Governance & Audit (G&A) Committee meeting of September 3, 2020 meeting.

Chairperson Chavez noted the Capital Program Committee (CPC) and the Safety, Security and Transit Planning & Operations Committee (SSTPO) Chairpersons' reports were included in the online agenda packet.

#### **Public Comment**

Mr. Beekman encouraged the Board to be open to all budget ideas.

Mr. Roland expressed concern about the Auditor General report at the G&A meeting.

### **5.4. Policy Advisory Board Chairpersons' Report**

Chairperson Chavez noted the Diridon Station Joint Powers Advisory Board (Diridon JPAB) and the State Route 85 Corridor Policy Advisory Board (SR85) Chairpersons' reports were included in the online Agenda packet.

Board Member McAlister commented about the SR85 project process and Mr. Guardino's influence on the project.

#### **Public Comment**

Eugene Bradley, Interested Citizen, commented on the following: 1) expressed concern that bikeways along the SR85 corridor were not included; and 2) local social equity issues.

Mr. Beekman commented on bicycle superhighway funding.

Mr. Roland commented on social equity.

John Pospishek, Vice President, Amalgamated Transit Union (ATU) Local 265, informed the Board that ATU members were not receiving hard copies of their paystubs from VTA.

## **6. CONSENT AGENDA**

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Evelynn Tran, General Counsel, noted a Declaration of Non-interest for **Agenda Item #6.3**, Authority for Funding Agreement between VTA and the County of Santa Clara for Affordable Housing Development, on behalf of Chairperson Chavez and Board Member Cortese who receive a paycheck from the County of Santa Clara and a per diem from VTA. Under Government Code Section 1091.5(a)9, Chairperson Chavez and Board Member Cortese have a non-interest and do not have to recuse themselves from the vote.

Ms. Young noted that written public comment was received from Richard Marcantonio, Public Advocates, pertaining to **Agenda Item #6.9**, Riding Together: Bay Area Healthy Transit Plan.

### **Public Comment**

Mr. Bradley made the following comments: 1) referenced **Agenda Item #6.2**, Gillig Bus Sole Source Parts Contract, and urged VTA to consider other companies for procuring buses; and 2) referenced **Agenda Item #6.9**, Riding Together: Bay Area Healthy Transit Plan, and expressed concern with the social distancing recommendation.

Mr. Beekman referenced **Agenda Item #6.3**, Authority for Funding Agreement between VTA and the County of Santa Clara for Affordable Housing Development, and encouraged VTA to look at housing practices.

Monica Mallon, Interested Citizen, referenced **Agenda Item #6.9**, Riding Together: Bay Area Healthy Transit Plan, and expressed gratitude for the work to protect riders, noting more needs to be done.

Mr. Roland referenced **Agenda Item #6.9**, Riding Together: Bay Area Healthy Transit Plan, noting that at the Metropolitan Transportation Commission (MTC) Unions were protesting the plan.

Hoai-An Truong, Mothers Out Front, referenced **Agenda Item #6.8**, Policy on Operating Cost Impact Provision for New Projects or Programs in Future Ballot Measures, and expressed support for the additional funding it will bring.

Ms. Dupree referenced **Agenda Item #6.9**, Riding Together: Bay Area Healthy Transit Plan, and expressed support for the plan as a starting point for VTA's future.

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

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**6.1. Agreement for Water Delivery Services**

M/S/C (Hendricks/Nuñez) to authorize the General Manager to execute a five-year agreement with D.T.J. Corporation, DBA Crystal Springs Water, in the amount of \$1,131,225 for water delivery and equipment rental to the VTA Transit Centers, VTA Operating Divisions and Operator break rooms.

**6.2. Gillig Bus Sole Source Parts Contract**

M/S/C (Hendricks/Nuñez) to authorize the General Manager to execute a five-year bus parts contract with Gillig, LLC, in an amount of up to \$2,916,219 for the projected five year period, for the purpose of supplying various Gillig bus parts for the VTA bus fleet.

**6.3. Authority for Funding Agreement between VTA and the County of Santa Clara for Affordable Housing Development**

M/S/C (Hendricks/Nuñez) to authorize the General Manager to execute a Funding Agreement with the County of Santa Clara (County) for the contribution by the County of \$800,000 of County's 2016 Measure A toward the pre-development costs for up to four VTA Transit-Oriented Development sites for affordable housing.

**6.4. Transit Operations Insurance Program for Policy Year 2020 - 2021**

M/S/C (Hendricks/Nuñez) to receive a report on VTA's Transit Operations Insurance Program for Policy Year 2020 - 2021.

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**CONGESTION MANAGEMENTPROGRAM & PLANNING (CMPP) COMMITTEE**

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**6.5. FY2020/21 TFCA Program Manager Fund**

M/S/C (Hendricks/Nuñez) to approve the programming of FY 2020/21 Transportation Fund for Clean Air (TFCA) County Program Manager funds to projects.

**6.6. FY2020/21 TDA3 Project Priorities**

M/S/C (Hendricks/Nuñez) to adopt **Resolution No. 2020.09.30** approving the project priorities for the FY 2020/21 Countywide Transportation Development Act (TDA) Article 3 program.

**6.7. Fast Transit Program Update: Transit Signal Priority**

M/S/C (Hendricks/Nuñez) to receive information on the transit signal priority work plan within the Fast Transit Program.

**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**

**6.8. Policy on Operating Cost Impact Provision for New Projects or Programs in Future Ballot Measures**

M/S/C (Hendricks/Nuñez) to adopt a policy requiring that the Board of Directors must be provided, prior to its policy decision and to the extent reasonably practicable, with a comprehensive analysis of the projected long-term financial impacts to VTA for the operations and/or maintenance of the projects and/or programs that would result from passage of the ballot measure. This applies to any proposed ballot measure that the Board proposes, approves, or is statutorily required to approve.

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**6.9. Riding Together: Bay Area Healthy Transit Plan**

M/S/C (Hendricks/Nuñez) to approve **Resolution No. 2020.09.31** endorsing the *Riding Together: Bay Area Healthy Transit Plan a Baseline Set of Measures* developed by the Bay Area Transit operators to ensure the health of transit riders and workers during the COVID-19 pandemic.

**6.10. Regular Meeting Minutes of August 6, 2020**

M/S/C (Hendricks/Nuñez) to approve the Regular Meeting Minutes of August 6, 2020.

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

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

<b>RESULT:</b>	<b>APPROVED – Agenda Items #6.1-6.11</b>
<b>MOVER:</b>	Glenn Hendricks, Vice Chairperson
<b>SECONDER:</b>	Bob Nuñez, Board Member
<b>AYES:</b>	Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco

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## 7. REGULAR AGENDA

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### 7.1. Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, BART Silicon Valley Extension Project Chief, provided a presentation, entitled “VTA’s BART Silicon Valley Program.”

Ms. Young announced that written public comment received from Davide Vieira, Interested Citizen, was posted as part of the online packet.

#### Public Comment

Mr. Roland commented on funding sources for the BART Phase II project.

Mr. Bradley expressed concern with one entrance for the Santa Clara Street station of Phase II.

Ms. Dupree made the following comments: 1) expressed excitement for the close out of Phase I and using BART to get to San José; and 2) expressed support for the underground mezzanine option to cross the street in Phase II.

Mr. Beekman made the following comments: 1) build BART along St. John’s Street because it will be less disruptive; and 2) expressed support for a street level station or an underground crossing for pedestrians.

Members of the Board discussed funding of BART Phase II.

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

<b>ADMINISTRATION AND FINANCE (A&amp;F) COMMITTEE</b>
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**Agenda Items #7.2 and 7.3 were heard together.**

### Agenda Items #7.2-7.3

#### 7.2. BART Phase II Project – FTA Grant Application Support

#### 7.3. BART Phase II Project – Funding Development and Implementation

Michael Smith, Finance, Debt & Investment Manager, provided a brief presentation.

Ms. Young noted that written public comment was received from Mr. Roland.

#### Public Comment

Mr. Roland made the following comments: 1) expressed support for **Agenda Item #7.3**, BART Phase II Project – Funding Development and Implementation; and



2) encouraged VTA rebid the contract for **Agenda Item #7.2**, BART Phase II Project – FTA Grant Application Support.

Mr. Beekman commented on parking for the SAP Center.

**M/S/C (Carr/Nuñez)** to authorize the General Manager to amend contract S16140 with WSP USA Inc to add \$250,000, for a revised not to exceed contract amount of \$744,375 to support development and presentation to the Federal Transit Administration (FTA) of the financial capacity model and related report, which may be required as part of the FTA full funding grant application in which VTA is requesting a full funding grant through FTA’s Expedited Project Delivery program for VTA’s BART Silicon Valley Phase II Project. Board Member Liccardo recused.

**M/S/C (Carr/Nuñez)** to authorize the General Manager to amend contract S15037 with Ernst & Young Infrastructure Advisors, LLC to add \$1,200,000, for a revised not to exceed contract amount of \$2,449,000, to support development and implementation of public private partnerships, private funding, and value capture funding solutions for VTA’s BART Silicon Valley Phase II Project.

<b>RESULT:</b>	<b>ADOPTED – Agenda Item #7.2</b>
<b>MOVER:</b>	Larry Carr, Board Member
<b>SECONDER:</b>	Bob Nuñez, Board Member
<b>AYES:</b>	Carr, Chavez, Cortese, Diep, Hendricks, Jones, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>RECUSED:</b>	Liccardo
<b>ABSENT:</b>	Carrasco

<b>RESULT:</b>	<b>ADOPTED – Agenda Item #7.3</b>
<b>MOVER:</b>	Larry Carr, Board Member
<b>SECONDER:</b>	Bob Nuñez, Board Member
<b>AYES:</b>	Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco

**7.4. (Deferred)**

Authorize the General Manager to enter into an Exclusive Negotiations Agreement (ENA) with Bayview Development Group and Civil & Building North America, Inc. for a term of twelve (12) months with a six (6) month extension for negotiation of the proposed terms and conditions of a Lease Option Agreement (LOA) for a Transit-Oriented Development project at the Curtner property.

If agreement cannot be reached with Bayview Development Group and Civil & Building North America, Inc. during the ENA term, authorize the General Manager to enter into an ENA with Republic Urban Properties and Charities Housing. If

agreement cannot be reached with Republic Urban Properties and Charities Housing during the ENA term, authorize the General Manager to enter into an ENA with Bay West Development, Catalyst Housing Group, and California Community Housing Agency.

Staff recommendation has been revised to be consistent with the guidance provided by the Administration and Finance Committee.

**7.5. Naming Rights Asset Valuation Report and Marketing Authorization**

Ron Golem, Director of Real Estate and Transit Oriented Development, provided an overview of the staff report. Mr. Golem introduced Louise Peters, Management Analyst - Advertising. Ms. Peters provided a presentation, entitled “Authorization for VTA Naming Rights Sales Program.”

**Public Comment**

The following Interested Citizens expressed support for the Naming Rights Sales Program:

- Kevin Ma
- Daniel Huynh
- Ms. Truong
- Mr. Shoor
- Alexis
- Mr. Bradley
- Peri Plantenberg
- Jeffrey
- Ms. Mallon
- Natasha Congoule
- William Teng
- Vivian
- Tiffany Rodriguez
- Dhagat Luca

Mr. Beekman expressed concern about advertising.

**M/S/C (Hendricks/Jones)** to authorize the General Manager/CEO to execute a contract amendment with The Superlative Group (TSG) to increase the contract by up to \$1.7 million for implementation of a naming rights sales program for VTA assets, for a five year amendment term, with an option to extend an additional four years.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #7.5</b>
<b>MOVER:</b>	Glenn Hendricks, Vice Chairperson
<b>SECONDER:</b>	Chappie Jones, Board Member
<b>AYES:</b>	Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco

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

**7.6. 2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant Criteria**

Jane Shinn, Senior Transportation Planner – Grants & Fund Allocations, provided a presentation, entitled “2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant Program Criteria.”

**Public Comment**

Mr. Roland expressed support for the program criteria but suggested moving overpass projects to the highway program category.

Mr. Beekman commented on bike highways.

Members of the Board discussed the following: 1) points for communities of concern for small cities; and 2) equity.

**M/S/C (Rennie/Peralez)** to approve the criteria for the 2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant Program.

<b>RESULT:</b>	<b>ADOPTED – Agenda Item #7.6</b>
<b>MOVER:</b>	Rob Rennie, Board Member
<b>SECONDER:</b>	Raul Peralez, Board Member
<b>AYES:</b>	Carr, Chavez, Cortese, Diep, Hendricks, Jones, Liccardo, McAlister, Nuñez, Peralez, Rennie
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco

#### 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.*

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**GOVERNANCE AND AUDIT (G&A) COMMITTEE**

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*There were no items submitted for the Regular Agenda from the Governance and Audit Committee.*

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**BOARD OF DIRECTORS**

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**7.7. Financial Impacts of COVID-19**

Raj Srinath, Deputy General Manager/Chief Financial Officer, and Franklin Wong, Deputy Director of Finance, Budget, & Program Management, provided a presentation, entitled “Financial Status Update – COVID-19.”

**Public Comment**

Mr. Roland requested a breakdown of sales taxes used and what the money is being used for at the September 18, 2020 Board Workshop.

Mr. Bradley commented on 2000 Measure A expenses.

Mr. Beekman commented on the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

Members of the Board discussed the following: 1) maintaining current service; and 2) eligible expenses timeframe to receive reimbursement.

Members of the Board requested additional information on what money from the CARES Act can be used for and rolling over the money for fiscal year 2022.

**On order of Chairperson Chavez** and there being no objection, the Board received updated forecast on short and long-term financial impacts of COVID-19.

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**8. OTHER ITEMS**

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**8.1. General Manager Report**

Ms. Fernandez provided a report, highlighting the following: 1) safety of riders and employees; 2) Federal Transit Agency (FTA) grant and automated electric vehicles (EV) partnership; and 3) Bike to Wherever Month.

Angelique Gaeta, Chief of System Safety & Security, provided a report on the following: 1) National Rail Safety Month; and 2) security awareness.

**8.1.A. Government Affairs Update**

Ms. Fernandez noted that the Government Affairs report was included in the online agenda packet.

**Public Comment**

Mr. Bradley expressed concern about the impact of automated buses on drivers.

Mr. Roland made the following comments: 1) automated vehicle speed; and 2) San Francisco mayor is asking for 30' social distance when riding a bicycle.

Ms. Dupree commented on the following: 1) safe transit; and 2) electric bikes for those with disabilities.

Mr. Beekman commented on COVID-19 vaccines.

Members of the Board inquired about Senate Bill (SB) 288 and if funding will help current or future VTA projects.

**8.2. Chairperson's Report**

Chairperson Chavez provided a brief report, highlighting the following: 1) Women's Equality Day; 2) September 18, 2020 Board Workshop via teleconference and video conference; and 3) 2021 Transit Service Plan Update.

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

Board Member McAlister expressed concern that a number of updates to the agenda were sent without sufficient time to review them. Elaine Baltao, Board Secretary, explained the packet was updated to include written public comments received and minor changes to the presentations.

**8.4. Announcements**

There were no Announcements.

**9. CLOSED SESSION**

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Board Members Cortese, Diep, and Liccardo recused themselves from **Agenda Item #9.1.A** per Government Code 84308.

Board Members Cortese and Liccardo recused themselves from **Agenda Item #9.1.B** per Government Code 84308.

Chairperson Chavez noted the Board will consider Closed Session Item #9.1.C first.

**Public Comment**

Mr. Roland inquired if Board Member Liccardo needed to recuse from **Agenda Item #7.2**, BART Phase II Project – FTA Grant Application Support. Board Member Liccardo acknowledged that he does need to recuse.

**9.1. Recessed to Closed Session at 8:14 p.m.**

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

Property: Blossom Hill Station Park & Ride Lot  
(Blossom Hill Road @Canoas Creek, San José, CA 95123)  
(APN:464-22-032)

Agency Negotiator: Ron Golem, Director Real Estate, Real Estate & Transit-Oriented Development; Jessie O'Malley Solis, Manager of Transit-Oriented Development; David Shiver, Principal of BAE Urban Economics

Negotiating Parties: Green Republic Blossom Hill, LLC & EAH Housing

Developer Negotiator: Michael VanEvery, President of Republic Urban Properties; Scott Johnson, Director of Business Development for EAH Housing

Under Negotiation: Final terms for Lease Option Agreement

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

Property: The VTA-owned portion of Santa Clara Transit Center parking lot, Santa Clara, California, located on a portion of the block bounded by Benton Street, Railroad Avenue, and El Camino Real, also referred to as Assessor Parcel Number 238-08-061.

Agency Negotiators: Ron Golem, Director Real Estate, Real Estate & Transit-Oriented Development; Jessie O'Malley Solis, Manager of Transit-Oriented Development; Janet Smith-Heimer, Principal of The Housing Workshop

Negotiating Parties: Republic Metropolitan LLC

Developer Negotiator: Robert Mendelsohn, Republic Metropolitan, LLC, President and Authorized Agent; Robert L. Mezzetti II, Attorney at Law

Under Negotiation: Terms and conditions of Lease Option Agreement

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

Significant Exposure to Litigation

No. of Potential Cases: multiple

Board Members Cortese, Diep, and Liccardo left the teleconference and video meeting at 8:29 p.m.

**9.2. Reconvened to Open Session at 9:01 p.m.**

**9.3. Closed Session Report**

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

Property: Blossom Hill Station Park & Ride Lot  
(Blossom Hill Road @Canoas Creek, San José, CA 95123)  
(APN:464-22-032)

Agency Negotiator: Ron Golem, Director Real Estate, Real Estate & Transit-Oriented Development; Jessie O'Malley Solis, Manager of Transit-Oriented Development; David Shiver, Principal of BAE Urban Economics

Negotiating Parties: Green Republic Blossom Hill, LLC & EAH Housing

Developer Negotiator: Michael VanEvery, President of Republic Urban Properties; Scott Johnson, Director of Business Development for EAH Housing

Under Negotiation: Final terms for Lease Option Agreement

Ms. Tran noted there was no reportable action taken during Closed Session. Board Members Cortese, Diep, and Liccardo recused.

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

Property: The VTA-owned portion of Santa Clara Transit Center parking lot, Santa Clara, California, located on a portion of the block bounded by Benton Street, Railroad Avenue, and El Camino Real, also referred to as Assessor Parcel Number 238-08-061.

Agency Negotiators: Ron Golem, Director Real Estate, Real Estate & Transit-Oriented Development; Jessie O'Malley Solis, Manager of Transit-Oriented Development; Janet Smith-Heimer, Principal of The Housing Workshop

Negotiating Parties: Republic Metropolitan LLC

Developer Negotiator: Robert Mendelsohn, Republic Metropolitan, LLC, President and Authorized Agent; Robert L. Mezzetti II, Attorney at Law

Under Negotiation: Terms and conditions of Lease Option Agreement

Ms. Tran noted there was no reportable action taken during Closed Session. Board Members Cortese and Liccardo recused.

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

Significant Exposure to Litigation

No. of Potential Cases: multiple

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

## **10. ADJOURNMENT**

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**On order of Chairperson Chavez** and there being no objection, the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Thalia Young, Board Assistant  
VTA Office of the Board Secretary