

## BOARD OF DIRECTORS MEETING

Thursday, October 7, 2021

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

##### 1.2. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio	Absent
Marie Blankley	Alternate Board Member	Present
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	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 requested the following: 1) Place on the consent agenda **Item 7.2.**, Double Lane SB US 101 Off-Ramp to SB SR 87 and SB US 101/Story Road Ramp Meter; and 2) Remove from the closed session agenda **Item 9.1.A** - Conference with Legal Counsel for an existing Litigation and **Item 9.1.F** - Conference with Labor Negotiators.

Board Members Liccardo and Montano joined the video and teleconference meeting at 5:33 p.m.

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

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

## **2. AWARDS AND COMMENDATION**

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### **2.1. Employees and Supervisor of the Quarter for the Fourth Quarter of 2021**

The Board of Directors recognized Janine Adan, Office and Timekeeping Technician, North Operations; Paola Viramontes, Coach Operator, North Transportation; Daniel Sanchez, Transit Mechanic, Chaboya Maintenance; as Employees of the Fourth (4th) Quarter of 2021; and John Cuen, Vehicle Parts Supervisor, Light Rail Parts Department, as Supervisor of the Fourth (4th) Quarter of 2021.

Board Member Jimenez joined the video and teleconference meeting at 5:35 p.m.

## **3. PUBLIC COMMENT**

Theadora Abraham, Board Assistant, noted that written public comments from Interested Citizens, Blair Beekman and Roland Lebrun were provided to the Board and can be found in the online agenda packet.

Board Member Peralez joined the video and teleconference meeting at 5:36 p.m.

Mr. Lebrun commented about the following: 1) taking public comment for **Agenda Item #1.2.**, Orders of the Day and **Agenda Item #2.**, Awards and Commendation; 2) commendation for a VTA Operator who assisted with a potential human trafficking victim; and 3) audit for the Bay Area Rapid Transit (BART) project.

Chairperson Hendricks announced the Mayor of Belmont was working on a special accommodation for the VTA Operator Mr. Lebrun referred to.

Mr. Beekman commented about the following: 1) open democratic practices; 2) data collection; and 3) Covid-19 vaccines.

Anne Marie Ruiz, Amalgamated Transit Union (ATU), Local 265, urged the Board to consider offering VTA front line employees retroactive hazard pay, noting Santa Clara County just approved a sum for their front-line employees.

#### **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 Swaminathan provided a brief report on the CAC meeting of September 8, 2021.

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

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

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

Chairperson Hendricks noted that the Standing Committee Chairpersons' reports were available in the online agenda packet.

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

Chairperson Hendricks noted that the Eastridge to BART Regional Connector Policy Advisory Board Chairperson report was available in the online agenda packet.

##### **5.5. Oversight Committee Chairperson's Report**

2016 Measure B Citizens' Oversight Committee Chairperson Herrera provided a brief report on the MBCOC meeting of July 28, 2021.

##### **Public Comment**

Mr. Beekman commented about the following: 1) meeting materials posted on the website; and 2) reiterated comments about open democratic processes.

Mr. Lebrun commented about the following: 1) echoed Chairperson Herrera's comments regarding the 2016 MBCOC; and 2) noted concern raised about Committee input prior to recommendations being forwarded to the Board.

Board Member Paul noted for the record his yes vote for **Agenda Item 1.2., Orders of the Day.**

## 6. CONSENT AGENDA

### **Public Comment**

Ms. Abraham noted that written public comment from Mr. Beekman was provided to the Board and can be found in the online agenda packet.

Mr. Lebrun referred to **Agenda Item #7.2.**, Double Lane SB US 101 Off-Ramp to SB SR 87 and SB US 101/Story Road Ramp Meter, and commented about the following: 1) overflow of traffic from Hwy 101 to SR 87; and 2) concerns about the traffic congestion in Santa Clara County, specifically South County.

Mr. Beekman referred to **Agenda Item #6.2.**, Privacy Strategy Related to Accessible Automated Electric Vehicle, and commented about data technology.

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

#### **6.1. Extension of Mott MacDonald and Hill International's Program Management and Staff Support Contracts**

M/S/C (Constantine/Jimenez) to 1) Authorize the General Manager to extend the contract with Mott MacDonald for program management and support services through June 30, 2024, for an amount not to exceed \$27 million for a total contract amount of \$76 million; and 2) Authorize the General Manager to extend the contract with Hill International for program management and support services through June 30, 2024, for an amount not to exceed \$41 million for a total contract amount of \$76 million.

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

#### **6.2. Privacy Strategy Related to Accessible Automated Electric Vehicle**

M/S/C (Constantine/Jimenez) on a vote of 11 ayes; 0 noes; and 1 abstention to approve the recommended Accessible Automated electric Vehicle privacy strategy. Board Member Simitian abstained.

#### **6.3. Fiscal Year 2021 SR 237 Express Lanes Operations Report**

M/S/C (Constantine/Jimenez) to receive update on the SR 237 Express Lanes Fiscal Year 2021 Operations Report.

### **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.*

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

**6.4. General Liability & Workers' Compensation Reports With Payments & Settlements for Third and Fourth Quarter Fiscal Year 2021**

M/S/C (Constantine/Jimenez) to receive a report of incidents and claims with payments and settlements for General Liability and Workers' Compensation Claims. This report has been expanded to include COVID-19 incidents and claims in addition to incidents and claims arising out of the May 26, 2021, Guadalupe tragedy.

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**BOARD OF DIRECTORS**

**6.5. Regular Meeting Minutes of September 2, 2021**

M/S/C (Constantine/Jimenez) to approve the Regular Meeting Minutes of September 2, 2021.

**6.6. Workshop Meeting Minutes of September 17, 2021**

M/S/C (Constantine/Jimenez) to approve the Workshop Meeting Minutes of September 17, 2021.

**6.7. Special Meeting Minutes of September 29, 2021**

M/S/C (Constantine/Jimenez) to approve the Special Meeting Minutes of September 29, 2021.

**6.8. Subsequent Resolution to Continue Remote Board and Committee Meetings**

M/S/C (Constantine/Jimenez) to adopt a subsequent **Resolution No. 2021.10.33** 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) until November 7, 2021.

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

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

**7.2. Double Lane SB US 101 Off-Ramp to SB SR 87 and SB US 101/Story Road Ramp Meter**

M/S/C (Constantine/Jimenez) to authorize the General Manager to execute a contract with Bay Cities Paving & Grading, Inc., the lowest responsive and responsible bidder, in an amount of \$3,863,386.50 for the construction of the Double Lane Southbound US 101 off-ramp to Southbound SR 87 and US 101/Story Road On-ramp Project.

<b>RESULT:</b>	<b>APPROVED - Consent Agenda Items 6.1; 6.3-6.9; 7.2</b>
<b>MOVER:</b>	Rich Constantine, Board Member
<b>SECONDER:</b>	Sergio Jimenez, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Liccardo, Montano, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	None

<b>RESULT:</b>	<b>APPROVED - Consent Agenda Item 6.2</b>
<b>MOVER:</b>	Rich Constantine, Board Member
<b>SECONDER:</b>	Sergio Jimenez, Board Member
<b>AYES:</b>	Burt, Carrasco, Constantine, Hendricks, Jimenez Jones, Liccardo, Montano, Paul, Peralez
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	Simitian

**7. REGULAR AGENDA**

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

**7.1. Authorization to Issue a Request for Qualifications/Proposals for a Master Developer for VTA Transit Oriented Development (TOD) Site at the VTA Block in Downtown San Jose**

Ron Golem, Director of Real Estate and Transit-Oriented Development; Peter Sokoloff, Foster+Partners; and Jessie O'Malley Solis, Manager of Transit Oriented Development, provided an overview of the staff report and provided a presentation entitled VTA Block Design Development Framework.

**Public Comment**

Mr. Lebrun commented about the following: 1) BART entrances on the ground floor; and 2) details of a report he will provide on Monday morning.

Mr. Beekman commented about the following: 1) BART fares; 2) BART station entrances being accessible; and 3) open democratic process.

Ms. Moore commented about policies in place to address the jobs to housing ratio.

Members of the Board and staff discussed the following: 1) support for finding a master developer; 2) incorporating a Labor Peace Policy; 3) timeline for when it will return to the Administration and Finance Committee and the Board; 4) any feedback and/or concerns from the adjacent property owners on the block; 5) opportunities for local businesses to utilize the ground floor store fronts; 6) topics that need to be addressed and worked through with the adjacent property owners and VTA; and 7) VTA's TOD policy around affordable housing.

Mr. Golem reported that discussions were held with the adjacent property owners about working together resulting in a better-quality project and benefits for all involved. He noted that the property owners would rather work with a master developer than VTA staff.

A Member of the Board noted that any potential developer needs to have a clear understanding of VTA's intentions, and requested that VTA be explicit around the TOD policy goals and the potential Labor Peace initiative.

**M/S/C (Perez/Jimenez)** to authorize the General Manager to issue a competitive Request for Qualifications (RFQ) for a Master Developer for Transit-Oriented Development (TOD) on VTA property at the VTA Block in Downtown San Jose and above the Downtown San Jose BART Station.

<b>RESULT:</b>	<b>APPROVED – Agenda Item 7.1</b>
<b>MOVER:</b>	Raul Perez, Board Member
<b>SECONDER:</b>	Sergio Jimenez, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Llicardo, Montano, Paul, Perez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	None

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

Authorize the General Manager to execute a contract with Bay Cities Paving & Grading, Inc., the lowest responsive and responsible bidder, in an amount of \$3,863,386.50 for the construction of the Double Lane Southbound US 101 off-ramp to Southbound SR 87 and US 101/Story Road On-ramp Project.

<b>CONGESTION MANAGEMENT PROGRAM &amp; PLANNING (CMPP) COMMITTEE</b>
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*There were no items submitted for the Regular Agenda from the Congestion Management Program & Planning Committee.*

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

Takis Salpeas, BART Silicon Valley Extension Project Chief, provided an update and presentation entitled VTA's BART Silicon Valley Phase II Extension.

**Public Comment**

Mr. Lebrun commented about the following: 1) current BART design; and 2) pictures used in the staff's presentation.

Upon inquiry of Members of the Board, Mr. Salpeas briefly reported about systems integration and testing for Phase II; and provided clarification about TOD as it relates to construction bid documents. Members of the Board expressed support for the project.

Ms. Abraham noted that written public comment from Mr. Lebrun was provided to the Board and can be found in the online agenda packet.

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

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**8. OTHER ITEMS**

**8.1. General Manager Report**

Carolyn Gonot, General Manager/CEO, provided a report, highlighting the following: 1) US 101/De La Cruz/Trimble Road Interchange Improvement Project Launch was held on September 24, 2021; 2) October Transit Service Update, noting the next phase of service restoration goes into effect October 11, 2021; and 3) Ribbon Cutting Event for Bus Route 568 will be held on October 14, 2021, at the Gilroy Transit Center.

Ms. Gonot and the Board recognized VTA Operator Danny Quintana for his excellent work and artistic photographs.



**8.1.A. SB 129 Joint Labor Management Committee Update**

Ms. Gonot announced the appointment of Brandi Childress as VTA's Chief of Staff.

Ms. Brandi thanked Ms. Gonot for the introduction and provided a brief update about the SB 129 Joint Labor Management Committee.

Ms. Childress, John Pospishek, Amalgamated Transit Union (ATU), Local 265; Steve Jovel, American Federation of State, County and Municipal Employees (AFSCME), Local 101; and Tammy Dhanota, Service Employees International Union (SEIU), Local 521, provided a presentation entitled Senate Bill (SB) 129 Joint Labor-Management Committee Update: Funding Allocation Plan. The presentation detailed continued efforts to support employees as they continue healing from the May 26, 2021, tragedy.

**8.1.B. Government Affairs Update**

Ms. Gonot noted that the Government Affairs written report was provided to the Board and can be found in the online agenda packet.

Chairperson Hendricks thanked staff and the Union leaders for their collaboration.

**Public Comment**

Eugene Bradley, Silicon Valley Transit Users, commented about the following: 1) support for Ms. Childress' appointment; and 2) Rapid 568 Ribbon Cutting event on October 14, 2021.

Mr. Lebrun commented about the following: 1) Mr. Quintana's artwork; 2) support for Ms. Childress' appointment; and 3) tunneling.

John Courtney, President, ATU Local 265, commented about the following: 1) thanked Ms. Gonot for highlighting Operator Danny Quintana; and 2) SB 129 funds.

Mr. Beekman expressed support for all the programs in place for VTA employees.

Sue Cronin, Bill Wilson Center, commented about their support efforts to VTA's employees, and noted the importance to support employees after the May 26, 2021, tragedy.

Members of the Board made the following comments: 1) thanked management and the Union leaders for presenting together and their commitment to work together; 2) acknowledged individuals for their efforts to help VTA receive the SB 129 funds; 3) noted the importance of

continuing to find resources and/or programs for employees; 4) expressed the need for VTA to be a safe and pleasant workplace; and 5) the importance for employees to have a voice and speak out.

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

**8.2. Chairperson's Report**

Chairperson Hendricks thanked several VTA departments, Austin Jenkins, Senior Operations Advisor, and Robert Daniels, Transportation Superintendent, and all VTA staff for their work in restoring light rail without compromising the employees' well-being. Chairperson Hendricks further thanked the public and community for their patience while VTA worked through this difficult time.

**Public Comment**

Mr. Lebrun commented about VTA Operators being more than drivers but assist with keeping the public safe.

Mr. Beekman commented about the following: 1) Government Affairs report and 2) VTA's recruiting efforts.

**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**

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**9.1 Recessed to Closed Session at 7:43 p.m.**

**A. (Removed from the Agenda.)**

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

Name of Case: Skanska-Shimmick-Herzog v. Santa Clara Valley Transportation Authority (Santa Clara County Superior Court Case No. 19-CV-356027)

**B. 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)

**C. 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)

**D. 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)

**E. 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

**F. (Removed from the Agenda.)**

Conference with Labor Negotiators  
(Government Code Section 54957.6)

VTA Designated Representatives

Jaye Bailey, Deputy Director of Equal Employment Relations & Civil Rights  
Robert Escobar, Consultant

Employee Organization

Service Employees International Union Local 521 (SEIU)

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

Significant Exposure to Litigation

No. of Cases: 1

**9.2 Reconvened to Open Session at 8:53 p.m.**

**9.3 Closed Session Report**

**B. 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)

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

**C. 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)

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

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

**E. 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.

## **10. ADJOURNMENT**

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**On order of Chairperson Hendricks** and there being no objection, the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Theadora Abraham, Board Assistant  
VTA Office of the Board Secretary