

## BOARD OF DIRECTORS MEETING

Friday, June 18, 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 9:00 a.m. via video and teleconference.

##### 1.1. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Ex-Officio Member	Present
Marie Blankley	Alternate Board Member	Absent
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	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.**

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

**1.2. Orders of the Day**

Chairperson Hendricks noted that the properties owned by: 1) Richard Della Maggiore and Joan Della Maggiore (B3109); 2) Honco Investment Company, LLC (B3110); and 3) Downtown San Jose Towers, LLC (B4042) were removed from **Agenda Item #4.1.**, Resolutions of Necessity for VTA's BART Silicon Valley Phase II Project.

Chairperson Hendricks noted Staff's request to remove **Agenda Item #7.2.**, Authorize the General Manager to Enter into a Project Labor Agreement, from the Regular Agenda and place it on the Consent Agenda.

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

<b>RESULT:</b>	<b>ACCEPTED – Orders of the Day</b>
<b>MOVER:</b>	Rich Constantine, Board Member
<b>SECONDER:</b>	Chappie Jones, Vice Chairperson
<b>AYES:</b>	Burt, Carrasco, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Paul
<b>NOES:</b>	None
<b>ABSENT:</b>	Chavez, Peralez, Simitian

**2. AWARDS AND COMMENDATION**

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There were no Awards and Commendations.

**3. PUBLIC COMMENT**

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Thalia Young, Board Assistant, noted written public comment was received from Bill Hough, Interested Citizen, and was posted on the Agenda portal.

Board Member Simitian joined the teleconference  
and video meeting at 9:06 a.m.

Blair Beekman, Interested Citizen, commented on natural disaster preparedness.

Roland, Interested Citizen, commented on Governor Newsom's Executive Order #N-8-21.

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

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## 4. PUBLIC HEARINGS

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### 4.1. Resolutions of Necessity for VTA's BART Silicon Valley Phase II Project: B3139, and B3219

Ron Golem, Director of Real Estate & Transit Oriented Development, provided a presentation entitled "VTA's BART Silicon Valley Phase II Project Resolution of Necessity Hearings."

Board Member Chavez joined the teleconference  
and video meeting at 9:16 a.m.

Ms. Young noted written public comment was received from Rossi Domingue and was posted on the Agenda portal.

Board Member Liccardo noted his recusal under Government Code Section 84308 for the property owned by Green Valley Corporation.

#### Public Comment

Mr. Beekman commented on the following: 1) eminent domain issues around Diridon Station; and 2) California High Speed Rail.

Mr. Roland suggested providing the history of the project for the new Board Members.

**M/S/C (Jones/Chavez)** to close the Public Hearing and adopt **Resolution No. 2021.06.16** for the property owned by ZHanna, LLC, determining that the public interest and necessity require the acquisition of a fee interest of the two properties for construction of VTA's BART Silicon Valley Phase II Project ("Project").

**M/S/C (Jones/Chavez)** on a vote of 10 ayes to 0 noes to 1 recusal to close the Public Hearing and adopt **Resolution No. 2021.06.17** for the property owned by Green Valley Corporation, determining that the public interest and necessity require the acquisition of a fee interest of the two properties for construction of VTA's BART Silicon Valley Phase II Project ("Project"). Board Member Liccardo recused.

<b>RESULT:</b>	<b>ADOPTED – Property owned by ZHanna, LLC (Resolution #2021.06.16)</b>
<b>MOVER:</b>	Chappie Jones, Vice Chairperson
<b>SECONDER:</b>	Cindy Chavez, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	Peralez

<b>RESULT:</b>	<b>ADOPTED – Property owned by Green Valley Corporation (Resolution #2021.06.17)</b>
<b>MOVER:</b>	Chappie Jones, Vice Chairperson
<b>SECONDER:</b>	Cindy Chavez, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Montano, Paul, Simitian
<b>NOES:</b>	None
<b>RECUSAL:</b>	Liccardo
<b>ABSENT:</b>	Perezalez

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## 5. COMMITTEE REPORTS

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There were no Committee Reports.

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## 6. CONSENT AGENDA

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Board Member Perezalez joined the teleconference  
and video meeting at 9:29 a.m.

Ms. Young noted that public comment was received from Silicon Valley Bicycle Coalition (SVBC) and was posted on the Agenda portal.

### **Public Comment**

Mr. Beekman commented on implementing a light rail bus bridge along First Street between Tasman Drive and downtown San José.

Mr. Roland referenced **Agenda Item #6.4.**, Silicon Valley Express Lanes Program Phase 4 - HNTB Corporation Contract Amendment #8, noting it will add more congestion to State Routes 85 and 87.

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### **6.1. BPAC Appointments**

**M/S/C (Constantine/Burt)** to ratify the mid-term appointments to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2022.

### **6.2. US 101/De La Cruz Boulevard/Trimble Road Interchange Improvement - Contract Amendment #5**

**M/S/C (Constantine/Burt)** to authorize the General Manager to amend the contract with HMH Engineers in the amount of \$584,316 to provide Design Support for Bidding and Construction and to use the new total contract amount of \$5,953,316 to calculate the General Manager's amendment authority under Administrative Code Section 9.2(h) for the US 101/De La Cruz Boulevard/Trimble Road Interchange Improvement Project (Project).

**6.3. US 101/De La Cruz Boulevard/Trimble Road Interchange Improvements**

**M/S/C (Constantine/Burt)** to authorize the General Manager to execute a contract with Ghilotti Construction Company, Inc., the lowest responsive and responsible bidder, in an amount of \$47,624,996.90 for the construction of the US 101/De La Cruz Boulevard/Trimble Road Interchange Improvement Project (Project).

**6.4. Silicon Valley Express Lanes Program Phase 4 - HNTB Corporation Contract Amendment #8**

**M/S/C (Constantine/Burt)** on a vote of 11 ayes to 1 no to authorize the General Manager to execute Contract Amendment 8 with HNTB Corporation in the amount of \$538,000 for a new total contract amount of \$6,868,525 to complete Final Design Services for the Silicon Valley Express Lanes (SVEL) Program Phase 4 Project. Board Member Simitian opposed.

**6.5. Bicycle Superhighway Implementation Plan**

**M/S/C (Constantine/Burt)** on a vote of 11 ayes to 0 noes to 1 abstention to adopt the Bicycle Superhighway Implementation Plan. Board Member Simitian abstained.

**6.6. Sustainability Annual Report**

**M/S/C (Constantine/Burt)** to receive the Sustainability Program's Fiscal Year (FY) 2020 Annual Report.

**7.2. Authorization to Enter into Project Labor Agreement**

**M/S/C (Constantine/Burt)** to authorize the General Manager to enter into a project labor agreement, which includes the adoption of a Community Workforce Agreement, promoting careers in the construction industry for underrepresented workers to allow VTA's construction projects to proceed without labor disputes, in a timely and economically efficient manner.

<b>RESULT:</b>	<b>APPROVED – Agenda Items #6.1-6.3,6.6, 7.2</b>
<b>MOVER:</b>	Rich Constantine, Board Member
<b>SECONDER:</b>	Pat Burt, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez, Simitian
<b>NOES:</b>	None

<b>RESULT:</b>	<b>APPROVED – Agenda Item #6.4</b>
<b>MOVER:</b>	Rich Constantine, Board Member
<b>SECONDER:</b>	Pat Burt, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez
<b>NOES:</b>	Simitian

<b>RESULT:</b>	<b>APPROVED – Agenda Item #6.5</b>
<b>MOVER:</b>	Rich Constantine, Board Member
<b>SECONDER:</b>	Pat Burt, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez, Jones, Liccardo, Montano, Paul, Peralez
<b>NOES:</b>	None
<b>ABSTAIN:</b>	Simitian

## **7. REGULAR AGENDA**

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### **7.1. Business Plan Goals**

John Sighamony, Senior Transportation Planner - CMA, provided a presentation entitled “VTA Business Plan.”

#### **Public Comment**

Eugene Bradley, Interested Citizen, expressed concern that the goals appear to contradict each other.

Mr. Roland expressed concern about the relevancy of the presentation.

Mr. Beekman commented on the following: 1) equity issues; and 2) light rail replacement ideas.

Monica Mallon, Turn Out for Transit, commented on metrics to track ridership.

Members of the Board had a brief discussion about the following: 1) metrics and goals for the business plan’s success; and 2) fiscal sustainability.

**M/S/C (Jones/Liccardo)** to approve the Business Plan Goals. Further, the Board requested the following: 1) metrics be added to be defined through a process to be determined; and 2) add long term financial sustainability as part of the first set of goals.

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

Authorize the General Manager to enter into a project labor agreement, which includes the adoption of a Community Workforce Agreement, promoting careers in the construction industry for underrepresented workers to allow VTA's construction projects to proceed without labor disputes, in a timely and economically efficient manner.

**7.3. MTC Presentation: Plan Bay Area 2050**

Dave Vautin, Assistant Director, Major Plans at the Metropolitan Transportation Commission (MTC), provided a presentation entitled "Overview of Plan Bay Area 2050: Highlights of the Long-Range Regional Plan & Next Steps Toward Implementation."

**Public Comment**

Mr. Bradley commented on the following: 1) the metrics; and 2) local bus service.

Mr. Roland commented on geographic boundaries beyond county lines.

Mr. Beekman expressed appreciation that natural disasters were considered.

Members of the Board had a discussion about the future of public transit, jobs, and housing.

**On order of Chairperson Hendricks** and there being no objection, the Board received an update on Plan Bay Area 2050, the new regional plan for transportation, housing, the economy, and the environment, slated for adoption in fall 2021.

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

Takis Salpeas, BART Silicon Valley Extension Project Chief, provided a presentation entitled "VTA's BART Silicon Valley Phase II Extension."

Ms. Young noted two written public comments were received from Mr. Roland and posted on the Agenda portal.

**Public Comment**

Mr. Roland commented on the following: 1) financial sustainability; and 2) project design.

Mr. Beekman commented on the following: 1) eminent domain; and 2) funding for BART Phase II compared to the other Measure B items.

Mr. Bradley expressed concern that there has not been a cost breakdown for BART Phase II.

Members of the Board requested an update from VTA's federal lobbyist at a future meeting.

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

## **8. OTHER ITEMS**

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### **8.1. General Manager Report**

Evelynn Tran, General Counsel and Interim General Manager/CEO, provided a report, highlighting the following: 1) mutual aid since the incident on May 26, 2021; 2) restarting light rail service; and 3) June 14, 2021 service changes.

#### **Public Comment**

Mr. Bradley expressed concern that the light rail bus bridge was discontinued.

Mr. Beekman suggested utilizing bus service that reaches light rail stations except along First Street.

### **8.2. Chairperson's Report**

Chairperson Hendricks provided a report, highlighting the following: 1) employee forums held in person and online; 2) the potential of conducting hybrid committee meetings in August and the Board in September; and 3) Carolyn Gonot starts as the General Manager/CEO on July 12, 2021.

#### **Public Comment**

Mr. Beekman expressed gratitude for the hybrid approach to meetings.

Mr. Roland encouraged VTA to monitor Assembly Bill (AB) 73.

### **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 10:57 a.m.**

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

Property: Cerone Division Yard, 3990 Zanker Road, San Jose, CA 95134, a portion of the undeveloped land, also referred to as a portion of Assessor Parcel Numbers 09704020 and 09704037.

Agency Negotiators: Ron Golem, Director, Real Estate & Transit-Oriented Development; Jessie O'Malley Solis, TOD Program Manager

Negotiating Parties: David Binswanger, Senior Executive Vice President; Brandon Wang, Executive Vice President, Lincoln Property Company

Under Negotiation: Terms and condition of Lease Option Agreement

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

Property: Curtner Light Rail Station, 2348 Canoas Garden Avenue, San Jose, CA 95118, portions of the parking lot, also referred to as a portion of Assessor Parcel Numbers 455-19-137, -138, -140, -143, -147, and -148.

Agency Negotiators: Ron Golem, Director, Real Estate & Transit-Oriented Development; Jessie O'Malley Solis, TOD Program Manager

Negotiating Parties: Ted McMahon, Chief Investment Officer, Bayview Development Group; Matt Conti, Vice President, Bayview Development Group; Franck Lombard, President, Civil & Building North America, Inc.

Under Negotiation: Terms and condition of Lease Option Agreement

### **9.2. Reconvened to Open Session at 11:27 a.m.**

**9.3. Closed Session Report**

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

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Under Negotiation: Terms and condition of Lease Option Agreement

Vic Pappalardo, Deputy General Counsel, noted no reportable action was taken during closed session.

**B. Conference with Real Property Negotiators**  
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Under Negotiation: Terms and condition of Lease Option Agreement

Mr. Pappalardo 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 11:28 a.m.

Respectfully submitted,

Thalia Young, Board Assistant  
VTA Office of the Board Secretary