

BOARD OF DIRECTORS MEETING

Thursday, April 7, 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 5:30 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	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	Absent
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 Peralez	Board Member	Present
Rob Rennie	Alternate Board Member	Absent

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2. Orders of the Day

Chairperson Jones noted that the meeting would be adjourned in memory of former VTA Safety Manager, Denise Joy Patrick.

Chairperson Jones reminded everyone that Closed Session would be held immediately following the approval of the Consent Agenda.

2. AWARDS AND COMMENDATION

2.1. Resolution of Appreciation for outgoing VTA Board Member Joe Simitian

M/S/C (Hendricks/Constantine) to adopt **Resolution No. 2022.04.12** for outgoing VTA Board Member Joe Simitian.

RESULT:	ADOPTED - Agenda Item #2.1
MOVER:	Glenn Hendricks, Board Member
SECONDER:	Rich Constantine, Vice Chairperson
AYES:	Burt, Constantine, Hendricks, Jain, Jones, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	Carrasco, Chavez, Jimenez, Lee

2.2. Resolution of Appreciation for outgoing VTA Alternate Board Member Lisa Gillmor

M/S/C (Hendricks/Constantine) to adopt **Resolution No. 2022.04.13** for outgoing VTA Board Member Lisa Gillmor.

RESULT:	ADOPTED - Agenda Item #2.2
MOVER:	Glenn Hendricks, Board Member
SECONDER:	Rich Constantine, Vice Chairperson
AYES:	Burt, Constantine, Hendricks, Jain, Jones, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	Carrasco, Chavez, Jimenez, Lee

3. PUBLIC COMMENT

Blair Beekman, Interested Citizen, commended Board Member Simitian's efforts on protecting privacy.

The following Amalgamated Transit Union (ATU) Local 265 Members expressed concern about VTA's vaccination policy:

- Ron Langston
- Agustin

4. PUBLIC HEARINGS

There were no Public Hearings.

5. REPORTS

5.1. Committee 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 March 9, 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 March 10, 2022.

5.1.C. Standing Committee Chairpersons' Report

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

5.1.D. Policy Advisory Board Chairpersons' Report

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

Public Comment

Mr. Beekman commented about surveillance on future projects.

5.2. General Manager Report

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) VTA Transit Driver Appreciation Day; 2) Local Road Safety Plan; 3) 10-year anniversary of the State Route 237 Express Lanes ; 4) highway clean up event in Cupertino; and 5) Alliance for Girls initiative.

Ms. Gonot paid tribute to VTA rail controllers and dispatch staff for their diligent work and resilience on the aftermath of the May 26th tragedy. Ms. Gonot also recognized the contributions of Abrar Ahmad, former Transportation Superintendent of Service Management and the Operations Control Center, who served VTA for 32 years before retiring.

5.2.A. Government Affairs Update

Ms. Gonot noted that the Government Affairs update can be found in the online agenda packet, along with the ridership and safety and security statistics.

Public Comment

Michaela Williams, Interested Citizen, inquired about how it was determined which employees received trauma leave.

Mr. Beekman encouraged VTA to look at what is possible with open democracy.

5.3. Chairperson's Report

Chairperson Jones noted that VTA is actively recruiting for the Committee for Transportation Mobility and Accessibility. He asked his colleagues to reach out to their contacts in the senior and disabled community to find candidates who would be interested in serving on this important committee.

6. CONSENT AGENDA

Board Member Liccardo noted his recusal on **Agenda Item #6.2**, I-280 Soundwalls - MNS Engineers (S191999) Contract Amendment #3, and **Agenda Item #6.3**, Berryessa Developer Selection.

Board Member Peralez noted his recusal on **Agenda Item #6.3**, Berryessa Developer Selection.

Public Comment

Mr. Beekman made the following comments: 1) referenced **Agenda Item #6.3**, Berryessa Developer Selection, encouraging flexibility of the housing project; and 2) referenced **Agenda Item #6.4**, 2021 Priority Development Area Investment and Growth Strategy, noting mixed income ideas in other areas in California.

Upon inquiry from Board Member Liccardo in reference to **Agenda Item #6.7**, OBAG Cycle 2 Reprogramming, staff noted that some cities have proceeded without funding.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. Designating of Juneteenth as a VTA paid holiday

M/S/C (Constantine/Jain) to recognize the significance of Juneteenth to VTA and larger community by designating it as a VTA paid holiday.

6.2. I-280 Soundwalls - MNS Engineers (S19199) Contract Amendment #3

M/S/C (Constantine/Jain) on a vote of 8 ayes to 0 noes to 1 recusal to Authorize the General Manager to execute a contract amendment with MNS Engineers, Inc. (MNS Engineers) in the amount of \$924,731 for a total contract value of \$1,308,517 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, 2023 to complete final design services for the I-280 Soundwall Project (Project). Board Member Liccardo recused.

6.3. Berryessa Developer Selection

M/S/C (Constantine/Jain) on a vote of 7 ayes to 0 noes to 2 recusals to authorize the General Manager to enter into an Exclusive Negotiations Agreement (ENA) with Affirmed Housing Group for a term of twelve (12) months with two six (6) month extensions for negotiation of the proposed terms and conditions of a long-term ground lease for a Transit-Oriented Development project at Berryessa/North San Jose Transit Center.

If agreement cannot be reached with Affirmed Housing Group during the ENA term, authorize the General Manager to enter into an ENA with MidPen Housing; if agreement cannot be reached with MidPen Housing during the ENA term, authorize the General Manager to enter into an ENA with Eden Housing. Board Members Liccardo and Peralez recused.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE
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6.4. 2021 Priority Development Area Investment and Growth Strategy

M/S/C (Constantine/Jain) to adopt the Priority Development Area Investment and Growth Strategy (IGS) and direct staff to submit the report to the Metropolitan Transportation Commission (MTC).

6.5. Fiscal Year 2022 Federal Transit Administration (FTA) Grants

M/S/C (Constantine/Jain) to authorize the General Manager to submit Federal Fiscal Year (FFY) 2022 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5337 Fixed Guideway and High Intensity Motorbus, and Section 5339 Bus and Bus Facilities funds.

6.6. Fiscal Year 2022-23 Transit Development ACT (TDA)/State Transit Assistance (STA) Claim

M/S/C (Constantine/Jain) to adopt **Resolution No. 2022.04.14** authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of eligible FY2022-2023 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

6.7. OBAG Cycle 2 Reprogramming

M/S/C (Constantine/Jain) to 1) Approve reprogramming approximately \$3.239 million One Bay Area Grant Cycle 2 Congestion Mitigation Air Quality federal funds to the following projects: a) Cupertino-Stevens Creek Blvd. Class IV Bikeway; and b) Los Gatos-Los Gatos Creek Trail to Highway 9 Trailhead Connector; and 2) Approve any additional relinquished OBAG Cycle 2 funds (up to \$919,000) to the Los Gatos-Los Gatos Creek Trail to Highway 9 Trailhead Connector should they become available.

6.8. Fiscal Year 2021-22 Low Carbon Transit Operations Program (LCTOP) Funds

M/S/C (Constantine/Jain) to adopt **Resolution No. 2022.04.15** for VTA's 2022 Low Carbon Transportation and Operations Program (LCTOP) of projects for \$9,154,629 for the VTA Eastridge to BART Regional Connector (EBRC) Project.

6.9. Fiscal Year 2022-23 State Transit Assistance (STA)/State of Good Repair (SGR) Funds

M/S/C (Constantine/Jain) to adopt **Resolution No. 2022.04.16** to appropriate and direct \$4,698,774 in State of Good Repair (SGR) funds for Fiscal year 2022-23 to Cerone Operations Command & Control (OCC) Center project and to authorize the General Manager or her Designee to execute grant related documentation such as applications, agreements, certification, and assurances.

6.10. Measure A Semi-Annual Report Ending December 31, 2021

M/S/C (Constantine/Jain) to receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending December 31, 2021.

6.11. VTP Transportation Program Semi-Annual Report Ending December 31, 2021

M/S/C (Constantine/Jain) to receive the Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending December 31, 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

6.12. Auditor General's Assessment Report of Workforce Leave Program Management

M/S/C (Constantine/Jain) to review and accept the Auditor General's Assessment Report of VTA's Workforce Leave Program Management.

BOARD OF DIRECTORS

6.13. Subsequent Resolution to Continue Remote Board and Committee Meetings

M/S/C (Constantine/Jain) to adopt **Resolution No. 2022.04.17** 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).

6.14. Approve the Workshop Meeting Minutes of February 18, 2022

M/S/C (Constantine/Jain) to approve the Workshop Meeting Minutes of February 18, 2022.

6.15. Approve the Regular Meeting Minutes of March 3, 2022

M/S/C (Constantine/Jain) to approve the Regular Meeting Minutes of March 3, 2022.

6.16. Approve the Special Meeting Minutes of March 17, 2022

M/S/C (Constantine/Jain) to approve the Special Meeting Minutes of March 17, 2022.

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

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

RESULT:	APPROVED - Agenda Items #6.1, 6.4-6.17
MOVER:	Rich Constantine, Vice Chairperson
SECONDER:	Sudhanshu “Suds” Jain, Board Member
AYES:	Burt, Constantine, Hendricks, Jain, Jones, Lee, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	Carrasco, Chavez, Jimenez

RESULT:	APPROVED - Agenda Item #6.2
MOVER:	Rich Constantine, Vice Chairperson
SECONDER:	Sudhanshu “Suds” Jain, Board Member
AYES:	Burt, Constantine, Hendricks, Jain, Jones, Lee, Paul, Peralez
NOES:	None
RECUSALS:	Liccardo
ABSENT:	Carrasco, Chavez, Jimenez

RESULT:	APPROVED - Agenda Item #6.3
MOVER:	Rich Constantine, Vice Chairperson
SECONDER:	Sudhanshu “Suds” Jain, Board Member
AYES:	Burt, Carrasco, Constantine, Hendricks, Jain, Jones, Paul
NOES:	None
RECUSALS:	Liccardo, Peralez
ABSENT:	Carrasco, Chavez, Jimenez

7. CLOSED SESSION

Public Comment

Mr. Beekman suggested the Board provide an estimated length for closed session. Chairperson Jones noted that closed session would be approximately an hour.

Board Member Chavez arrived at the
video and teleconference meeting at 6:13 p.m.

7.1 Recessed to Closed Session at 6:14 p.m.

7.1.A. Conference with Labor Negotiators (Government Code Section 54957.6)

VTa Designated Representatives

Carolyn Gonot, General Manager/CEO
Jaye Bailey, Interim Chief People Officer
Greg Richardson, Chief Financial Officer

Employee Organizations

American Federation of State, County, and Municipal Employees
(AFSCME) Local 101
Transportation Authority Engineers and Architects Association (TAEA) Local 21

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

Significant Exposure to Litigation: Multiple Cases related to May 26, 2021, incident, including claims from primary surviving dependents of the Alaghmandan, Balleza, Gonzales, Hernandez, Megia, Romo, Rudometkin, Singh, Fritch, and Lane.

Board Member Carrasco arrived at the
video and teleconference meeting at 7:02 p.m.

7.2. Reconvened to Open Session at 7:04 p.m.

7.3. Closed Session Report

7.1.A. Conference with Labor Negotiators (Government Code Section 54957.6)

VTa Designated Representatives

Carolyn Gonot, General Manager/CEO
Jaye Bailey, Interim Chief People Officer
Greg Richardson, Chief Financial Officer

Employee Organizations

American Federation of State, County, and Municipal Employees
(AFSCME) Local 101
Transportation Authority Engineers and Architects Association (TAEA) Local 21

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

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

Significant Exposure to Litigation: Multiple Cases related to May 26, 2021, incident, including claims from primary surviving dependents of the Alaghmandan, Balleza, Gonzales, Hernandez, Megia, Romo, Rudometkin, Singh, Fritch, and Lane.

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

8. REGULAR AGENDA

8.1. American Federation of State, County, and Municipal Employees (AFSCME)/Local 101 Contract 2022

Jaye Bailey, Interim Chief of People Resources, provided an overview of the labor agreement between VTA and AFSCME, Local 101.

M/S/C (Constantine/Jain) on a vote of 10 ayes to 1 no to approve and formally adopt a successor labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and American Federation of State, County, and Municipal Employees (AFSCME) Local 101. Board Member Liccardo opposed.

RESULT:	ADOPTED - Agenda Item #8.1
MOVER:	Rich Constantine, Vice Chairperson
SECONDER:	Sudhanshu “Suds” Jain, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jones, Lee, Paul, Peralez
NOES:	Liccardo
ABSENT:	Jimenez

8.2. Transportation Authority Engineers and Architects Association (TAEA)/Local 21 Contract 2022

Ms. Bailey provided an overview of the labor agreement between VTA and TAEA, Local 21.

M/S/C (Jain/Constantine) on a vote of 10 ayes to 1 no to approve and formally adopt a successor labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA) Local 21. Board Member Liccardo opposed.

RESULT:	ADOPTED - Agenda Item #8.2
MOVER:	Sudhanshu “Suds” Jain, Board Member
SECONDER:	Rich Constantine, Vice Chairperson
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jones, Lee, Paul, Peralez
NOES:	Liccardo
ABSENT:	Jimenez

8.3. Resolution for the Provision of Alternative Pre-Retirement Death Benefits to the Families of 5/26 Victims

Maria Chavez, Senior Human Resources Analyst, provided a brief report.

M/S/C (Chavez/Hendricks) to adopt **Resolution No. 2022.04.18** for the Provision of Alternative Pre-Retirement Death Benefits to the Families of the Victims Who Lost Their Lives Due to the May 26, 2021 Guadalupe Yard Tragedy.

RESULT:	ADOPTED - Agenda Item #8.3
MOVER:	Cindy Chavez, Board Member
SECONDER:	Glenn Hendricks, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jones, Lee, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	Jimenez

8.4. Construction of the Overhead Contact Syster (OCS) Phase 3 Project (Contract C21104F)

Adolf Daaboul, Senior Transportation Engineer, provided a brief report.

M/S/C (Burt/Constantine) on a vote of 9 ayes to 2 noes to authorize the General Manager to execute a major capital construction contract with Balfour Beatty Infrastructure, Inc., the lowest responsive and responsible bidder, in the amount of \$15,671,684.05 for the construction of the OCS Rehabilitation Phase 3 Project (Contract C21104F), and increase the available contract change order authority from the standard 15 percent to 25 percent (\$3,917,921) to make the total available contract amount \$19,589,605.05. Board Members Chavez and Hendricks opposed.

RESULT:	APPROVED - Agenda Item #8.4
MOVER:	Pat Burt, Board Member
SECONDER:	Rich Constantine, Vice Chairperson
AYES:	Burt, Carrasco, Constantine, Jain, Jones, Lee, Liccardo, Paul, Peralez
NOES:	Chavez, Hendricks
ABSENT:	Jimenez

8.5. San José to Merced California High Speed Rail (CHSR) Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Boris Lipkin, CHSR, provided a presentation entitled “California High-Speed Rail Northern California Region: San José to Merced Final EIR/EIS.”

Public Comment

Mr. Beekman expressed support for accessibility to high speed rail for all Bay Area residents.

Kitty Moore, Interested Citizen, inquired about other VTA committees that reviewed this presentation.

Members of the Board discussed the following: 1) grade separation in Santa Clara County; 2) Pacheco Pass alternatives; and 3) pedestrian and bicyclist safety.

On order of Chairperson Jones and there being no objection, the Board received a presentation from the California High Speed Rail regarding the San José to Merced Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

8.6. 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.”

Public Comment

Mr. Beekman encouraged VTA to work with the Metropolitan Transportation Commission (MTC) on regional projects.

Members of the Board discussed the following: 1) Federal Transit Administration’s (FTA) risk assessment; and 2) upcoming contracts for Board approval.

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

8.7. SB 129 Joint Labor Management Committee Update

Brandi Childress, Chief of Staff to the General Manager, provided an update, highlighting the following: 1) establishment of a 526 Resiliency Center; 2) peer to peer training program was developed; 3) ongoing efforts; and 4) organizational culture and climate transformation procurement timeline.

Public Comment

Mr. Beekman thanked Chairperson Jones for giving an estimate for the length of closed session.

On order of Chairperson Jones and there being no objection, the Board received an update from SB 129 Joint Labor Management Committee.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

9.2. Announcements

Chairperson Jones reminded the Board of the workshop via video and teleconference on April 22, 2022, at 9:00 a.m.

9.3. Public Comment

There were no Public Comments.

10. ADJOURNMENT

On order of Chairperson Jones and there being no objection, the meeting was adjourned in memory of Denise Joy Patrick at 8:28 p.m.

Respectfully submitted,

Thalia Young, Board Assistant
VTA Office of the Board Secretary