

BOARD OF DIRECTORS MEETING

Thursday, March 3, 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	Absent
Marie Blankley	Alternate Board Member	Present
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	Absent
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 an Addenda to the Agenda to include the following: 1) **Agenda Item #6.12.X.**, Amended RM3 Implementing Agency Resolution of Project Compliance –Letter of No Prejudice EBRC Project; 2) **Closed Session Item 7.1.D.X.**, Conference with Legal Counsel – Anticipated Litigation; and 3) **Closed Session Item 7.1.D.X.X.**, Conference with Labor Negotiators.

Chairperson Jones noted a slight change in the agenda language for **Agenda Item #8.4.**, Capitol Developer Selection.

Chairperson Jones noted staff's request for the following changes to the Agenda: 1) hear **Closed Session Item #7.1.D.X.X.**, Conference with Labor Negotiators, as the first closed session item; 2) defer **Closed Session Item 7.1.D.**, Conference with Legal Counsel - Anticipated Litigation; and 3) hear Regular **Agenda Item #8.7.**, Report on Van Scoyoc Associates, Washington Government Affairs Representatives, after **Agenda #Item 8.1.**, Service Employees International Union (SEIU)/Local 521 Contract 2022.

Chairperson Jones noted the meeting would be adjourning in memory of former VTA Chief Development Officer, Michael "Mike" Evanhoe, who passed away on November 22, 2021. Chairperson Jones noted Mr. Evanhoe's significant contributions to VTA.

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

RESULT:	Accepted Orders of the Day – Agenda Item #1.2
MOVER:	Glenn Hendricks, Board Member
SECONDER:	Suds Jain, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jones, Lee, Paul, Peralez
NOES:	None
ABSENT:	Jimenez, Liccardo

2. AWARDS AND COMMENDATION

2.1. Resolution of Appreciation for VTA Chief of System Safety and Security, Angelique Gaeta

Public Comment

Blair Beekman, Interested Citizen, commented about the following: 1) congratulated Ms. Gaeta on her new position with the City of Campbell; and 2) providing public comment for **Agenda Item #1.2.**, Orders of the Day.

Susan Lucero, Deputy Director, Safety & Compliance, thanked Ms. Gaeta for all her work during her time at VTA.

Ms. Gaeta wished VTA well in the years to come.

M/S/C (Chavez/Lee) to adopt **Resolution of Appreciation No. 2022.03.07** for VTA Chief of System Safety and Security, Angelique Gaeta.

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

RESULT:	Adopted – Agenda Item #2.1
MOVER:	Cindy Chavez, Board Member
SECONDER:	Otto Lee, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jones, Lee, Paul, Peralez
NOES:	None
ABSENT:	Jimenez, Liccardo

3. PUBLIC COMMENT

The following Interested Citizens expressed opposition to VTA’s vaccine mandate, noting VTA will lose hundreds of employees, which will impact service. They urged continuation of sanitization efforts at VTA facilities and asked VTA to consider the hardship placed on employees by the vaccine mandate.

- Anne Marie
- John Pospishek, Vice President, Amalgamated Transit Union (ATU) Local 265
- Robert Bircher
- Agustin

Mr. Beekman commented about the use of Shotspotters.

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) Chairperson Swaminathan provided a brief report on the CAC meeting of February 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 February 10, 2022.

Upon inquiry of Board Member Paul, Ms. Moore noted that PAC is scheduled to discuss the policy on Supportive Housing Services at a future meeting.

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 Diridon Policy Advisory Board Chairpersons' report was available in the online agenda packet.

Public Comment

Mr. Beekman commented about the following: 1) Diridon Chairperson's report; 2) high speed rail; and 3) working towards good practices.

5.2. General Manager Report

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) placement of Bus Operator Danny Quintana's art work at the Guadalupe Yard; 2) Congressman Ro Khanna's VTA facilities tour on February 24, 2022; 3) update on the light rail track maintenance at First Street and Younger Avenue; 4) Keep Santa Clara Valley Beautiful cleanup at U.S. 101 in Gilroy was a success; 5) Bus Operator Graduation was held on February 23, 2022; 6) the installation of a newly painted bus bench by St. Justin School students; and 7) VTA's System Safety and Security Team completed a Hazmat Training Exercise.

5.2.A. Government Affairs Update

The Government Affairs written report was provided to the Board and can be found in the online agenda packet, along with the ridership and safety and security statistics.

Public Comment

Mr. Beekman thanked staff for organizing Congressman Ro Khanna's visit.

Ms. Ann Marie made the following comments: 1) expressed support for women Operators and encouraged more women to drive busses; and 2) noted the importance of receiving feedback from women operators.

5.3. Chairperson's Report

Chairperson Jones provided a brief report, highlighting the following: 1) the Monterey Expressway Pedestrian Overpassing project received the American Council of Engineering Companies (ACEC) Merit award; and 2) the Express Lanes Phase 3 Opening celebration was held on February 10, 2022.

Board Member Jimenez joined the video and teleconference meeting at 6:02 p.m.

6. CONSENT AGENDA

Board Member Jain referenced **Agenda Item #6.5.**, Bicycle Parking Chapter Update – Bicycle Technical Guidelines, noting he was pleased to see there is one secure bike parking spot per unit. Board Member Jain added electric bikes are becoming more popular and suggested staff consider adding more outlets to accommodate increased bike charging demand.

Board Member Paul requested **Agenda Item #6.9.**, VTA Ethics Hotline Program Report – Fourth Quarter 2021 (October – December) and 2021 Annual Report, be removed from the Consent Agenda and placed on the Regular Agenda.

Public Comment

Mr. Beekman referred to **Agenda Item #6.6.**, 2021 Transportation Systems Monitoring Program Report, and commented about the need for open public practices for transparency and accountability.

Board Member Chavez left the video and teleconference meeting at 6:17 p.m.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. State Route 17 Wildlife Crossing Project Sponsor Resolution

M/S/C (Jain/Constantine) to adopt the Project Sponsor **Resolution No.2022.03.10** for the State Route 17 Wildlife Crossing.

6.2. Fiscal Year 2022 Statement of Revenues and Expenses for the Period Ending December 31, 2021

M/S/C (Jain/Constantine) to review and accept the Fiscal Year 2022 Statement of Revenues and Expenses for the period ending December 31, 2021.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

6.3. Bay Area Express Lanes Executive Steering Committee (Memorandum of Understanding)

M/S/C (Jain/Constantine) to authorize the General Manager to execute the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding with Bay Area agencies to more formally identify their roles and responsibilities as express lanes owners and operators.

6.4. Waiver of Express Lanes Department of Motor Vehicles Hold - 2020

M/S/C (Jain/Constantine) to authorize the General Manager to waive the SR 237 Express Lanes violation penalties assessed during calendar year 2020 that remain unpaid and were not sent to the Department of Motor Vehicles for vehicle registration hold as a result of COVID impacts on the express lanes back office administrator, the Bay Area Toll Authority (BATA).

6.5. Bicycle Parking Chapter Update – Bicycle Technical Guidelines

M/S/C (Jain/Constantine) to adopt the update to the Bicycle Parking Chapter of the Bicycle Technical Guidelines.

6.6. 2021 Transportation Systems Monitoring Program Report

M/S/C (Jain/Constantine) to receive the 2021 Annual Transportation Systems Monitoring Program report and presentation.

6.7. 2016 Measure B Bicycle & Pedestrian Education & Encouragement Fiscal Year 2021 Program Update

M/S/C (Jain/Constantine) to receive an update on 2016 Measure B Bicycle & Pedestrian Education & Encouragement program progress in FY2021.

6.8. Programmed Project Monitoring - Quarterly Report

M/S/C (Jain/Constantine) to receive the Programmed Projects Quarterly Monitoring Report for October - December 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

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

Receive the Auditor General's summary report on VTA Ethics Hotline usage for the period of October to December 2021 and 2021 Annual Report.

BOARD OF DIRECTORS

6.10. Approve the Regular Meeting Minutes of February 3, 2022

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

6.11. Subsequent Resolution to Continue Remote Board and Committee Meetings

M/S/C (Jain/Constantine) to adopt a subsequent **Resolution No. 2022.03.08** 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).

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

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

6.12.X. Amended RM3 Implementing Agency Resolution of Project Compliance – Letter of No Prejudice EBRC Project

M/S/C (Jain/Constantine) to adopt an amended Regional Measure 3 (RM3) Implementing Agency **Resolution No. 2022.03.09** of Project Compliance – Letter of No Prejudice for the construction phase of the Eastridge to BART Regional Connector (EBRC) project.

RESULT:	Approved – Consent Agenda Items #6.1-6.8; 6.10-6.12; 6.12.X
MOVER:	Suds Jain, Board Member
SECONDER:	Rich Constantine, Vice Chairperson
AYES:	Burt, Carrasco, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul, Peralez
NOES:	None
ABSENT:	Chavez, Liccardo

Board Member Chavez return to the video and teleconference meeting at 6:20 p.m.

7. CLOSED SESSION

Public Comment

Mr. Beekman suggested the Board provide an estimate on how long closed session will be.

7.1 Recessed to Closed Session at 6:23 p.m.

7.1.D.X.X. 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

Service Employees International Unions (SEIU) Local 521

7.2 Reconvened to Open Session at 6:48 p.m.

7.3 Closed Session Report

7.1.D.X.X. 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

Service Employees International Unions (SEIU) Local 521

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

8. REGULAR AGENDA

8.1. Service Employees International Union (SEIU)/Local 521 Contract 2022

Jaye Bailey, Interim Chief of People Resources, provided an overview of the labor agreement between VTA and SEIU, Local 521.

Public Comment

Mr. Beekman commented about the following: 1) support for staff's recommendation; and 2) openly discussing issues surrounding the vaccine mandate.

M/S/C (Hendricks/Constantine) to approve and formally adopt a successor labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Service Employees International Unions (SEIU) Local 521.

RESULT:	Approved –Agenda Item #8.1
MOVER:	Glenn Hendricks, Board Member
SECONDER:	Rich Constantine, Vice Chairperson
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul, Peralez
NOES:	None
ABSENT:	Liccardo

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8.7. Report on Van Scoyoc Associates, Washington Government Affairs Representatives

Steve Palmer, Van Scoyoc Associates, provided a presentation entitled Federal Relations Update.

Public Comment

Mr. Beekman commented about the following: 1) employee morale at VTA; 2) future planning for light rail and bus; and 3) community safety.

On order of Chairperson Jones and there being no objection, the Board received a report on Van Scoyoc Associates, Washington Government Affairs Representatives.)

GOVERNANCE AND AUDIT (G&A) COMMITTEE

6.9. VTA Ethics Hotline Program Report – Fourth Quarter 2021 (October – December) and 2021 Annual Report

Scott Johnson, MGO, provided a brief overview of the staff report and provided a presentation entitled “VTA Ethic Hotline Quarterly Summary Report.”

Ms. Gonot reviewed the outreach efforts to increase employee awareness about the Ethics Hotline.

Member Paul expressed support for the outreach to employees and asked staff to consider convening employee meetings to let them know about mechanisms to relay their concerns.

Public Comment

Mr. Beekman commented about the following: 1) ways to increase morale; and 2) whistleblower protections.

On order of Chairperson Jones and there being no objection, the Board received the Auditor General’s summary report on VTA Ethics Hotline usage for the period of October to December 2021 and 2021 Annual Report.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

8.2. Paratransit Fleet Procurement

Erik Zandhuis, Regional Transportation Services Manager, provided an overview of the staff report and provided a presentation entitled “Paratransit Fleet Replacement and Benefits.”

Public Comment

Mr. Beekman commented about the following: 1) VTA's cleaning practices; and 2) reiterated comments about transparency and open accountability.

Members of the Board and staff had a robust discussion about environmental impacts of the vehicle purchase, funding, other purchasing options that can be considered, and the overall lifetime maintenance cost for the proposed vehicles.

Staff indicated hybrid and/or electric fleet is not yet available for paratransit-type vehicles. Staff added paratransit serves the needs of the most vulnerable community/passengers and the proposed vehicles will increase capacity and will therefore help improve operational performance.

Upon inquiry from Board Member Burt, Jim Lawson, Chief External Affairs Officer, noted that staff considers and weighs all financial and environmental impacts when looking at and purchasing vehicles, and going forward will include that information as part of the staff's presentation.

M/S/C (Hendricks/Jimenez) on a vote of 9 ayes, 2 noes, to authorize the General Manager to procure up to 109 Class P Van Promaster 3500 vehicles and associated equipment in an amount up to \$14,170,000 for Paratransit services. Procurement of the aforementioned vehicles will use the State of California purchasing contract for Paratransit vehicles and associated equipment and services. Further, requested the following: 1) include Wi Fi and USB charging options in the vehicles; 2) a formal report on air filtration systems including filtering particulate matter; 3) contact the company for potential options in the future to retrofit the vehicles when wheelchair charging features become available; 4) report on funding needs and timing for emergency communication options for vehicles and the current contract or CCTV procurement; 5) return to the Board when non-combustion engine paratransit type vehicles become available so that the Board can make a determination on whether to retire the Class P Van Promaster 3500 vehicles early or not. Board Members Burt and Paul opposed.

RESULT:	Approved –Agenda Item #8.2, as amended
MOVER:	Glenn Hendricks, Board Member
SECONDER:	Sergio Jimenez, Board Member
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Peralez
NOES:	Burt, Paul
ABSENT:	Liccardo

8.3. Winchester Request for Offers (RFO)

Jessie O'Malley Solis, Transit Oriented Development Manager introduced Josselyn Hazen, Senior Real Estate Agent and Ron Golem, Director of Real Estate and Transit Oriented Development (TOD). Ms. O'Malley Solis and Ms. Hazen provided a presentation entitled "Winchester Transit Center Authorization to Issue Request for Offer (RFO) for an Affordable Housing Development."

Public Comment

The following Interested Citizens expressed support for the project and noted the following: 1) benefits of the project including increased ridership; 2) area will be highly sought after due to the local shops and entertainment; 3) need for more low-income housing in the area; and 4) commended the Board for prioritizing affordable housing:

- Anoeil Odisho
- Eugene Bradley, Silicon Valley Transit Users
- Adam Buchbinder
- Alex Shoor, Catalyze SV

Mr. Beekman commented about the following: 1) support for the project; and 2) how to discuss increasing electric vehicle use.

Sergio Lopez, City of Campbell Council Member, expressed support for the project and encouraged staff to reach out to him or Campbell staff for any questions and/or assistance.

Ali Sapirman, Housing Action Coalition, commented about the following: 1) the regional need for more affordable housing; 2) benefits of housing development on a transit corridor; and 3) partnering with VTA as the project moves forward.

Members of the Board and staff discussed the following: 1) long term funding for support services; and 2) collaboration with the city of Campbell.

Members of the Board made the following suggestions: 1) reach out to Santa Clara County staff to provide an off-agenda report clarifying how the support services will be funded; 2) requested staff share any feedback received from community outreach with various cities and/or organizations; 3) have one point of contact at the City of Campbell to streamline communications; and 4) ensure there is balance of programs and requirements between VTA, Office of Supportive Housing, and the City of Campbell.

M/S/C (Paul/Chavez) to authorize the General Manager to issue a Request for Offers (RFO) for the Winchester Transit Center Affordable Housing Transit-Oriented Development (TOD) project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) and OSH Cost Sharing Agreement for County Measure A-Funded Affordable Housing TOD.

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

Board Member Chavez recused herself from Item #8.4 and left the video and teleconference meeting at 8:21 p.m.

8.4. Capitol Developer Selection

Ms. Solis and Mr. Golem provided a presentation entitled “Developer Selection for Capitol Station Affordable Housing TOD.”

Public Comment

Mr. Shoor expressed support for the project and commended staff for achieving lower parking ratios and taller buildings with more affordable units.

Mr. Beekman reiterated comments about electric vehicles.

Mr. Bradley commended staff for their work on the TOD.

Board Member Peralez recused himself and left the video and teleconference meeting at 8:40 p.m.

Members of the Board and staff discussed 1) farebox revenue estimate and the model used; 2) parking ratios and assumptions; 3) opportunities to look at more parking solutions in the future; and 4) if electric vehicle chargers are built in the facilities.

Members of the Board commented the following: 1) having three different parking assumptions will make it difficult to do a side-by-side comparison; 2) use realistic numbers when forecasting farebox recovery and/or revenue.

M/S/C (Jimenez/ Lee) on a vote of 9 ayes, 0 noes, and 2 recusals to authorize the General Manager to enter into an Exclusive Negotiations Agreement (ENA) with MidPen Housing for a term of twenty-four (24) 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 the Capitol Light Rail Station property.

If Agreement cannot be reached with MidPen Housing during the ENA term. Authorize the General Manager to enter into an ENA with Related California.

Members Chavez and Peralez recused.

RESULT:	Approved –Agenda Item #8.4
MOVER:	Sergio Jimenez, Board Member
SECONDER:	Otto Lee, Board Member
AYES:	Burt, Carrasco, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Paul
NOES:	None
ABSENT:	Liccardo
RECUSED:	Chavez, Peralez

Board Members Chavez and Peralez returned to the video and teleconference meeting at 8:45 p.m.

8.5. BART Silicon Valley Phase II Extension Project Disadvantage Business Enterprise (DBE) Program

Sunny Drennan, Purchasing Manager, provided an overview of the staff report and provided a presentation entitled “VTA’s BART Phase II Disadvantage Business Enterprise Program.”

Public Comment

Mr. Beekman commented about the following: 1) support for VTA’s DBE program; and 2) what other cities are doing to include more diversity.

Bob Davis, President, San Jose Silicon Valley Branch National Association for the Advancement of Colored People (NAACP), requested the Board commission an Ad Hoc Committee to look at increasing minority businesses, noting concerns that VTA’s numbers are decreasing.

Members of the Board offered the following comments: 1) concerns that VTA is not creating the opportunities needed to increase minority owned businesses; 2) how VTA can take a leadership role and partner with other agencies/municipalities to create and achieve a higher DBE goal; and 3) the need for the Board to take a deeper dive to understand how VTA’s internal team works with external partners.

Chair Jones suggested creating an ad-hoc committee to bring stakeholder together and have a mutual understanding of how goals are set. Member Chavez supported a creation of an ad-hoc committee and suggested this committee works with the Administration and Finance Committee.

On order of Chairperson Jones and there being no objection, the Board received a presentation on VTA's Bart Silicon Valley Phase II Extension Project's Disadvantaged Business Enterprise (DBE).

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

There were no items submitted for the Regular Agenda from the Congestion Management Program & Planning Committee.

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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8.6. Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, BART Silicon Valley Extension Project Chief, introduced Bernice Alaniz, Director of SVRT Business Operations, and JC Lacey, Consulting, and together provided an overview of the staff report and provided a presentation entitled “Business Resource Program Update.”

Public Comment

Mr. Beekman thanked staff for their report.

Members of the Board and staff briefly discussed whether the timeline/framework can incorporate the out years to understand the potential for the project extending out; and noted staff would like to achieve a few more steps before forecasting further out.

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

8.8 SB 129 Joint Labor Management Committee Update

Brandi Childress, Chief of Staff, provided an update, highlighting the following: 1) committee meets weekly; 2) \$20 million state grant will be effective from January 2022 to June 2024; 3) negotiations for mental health days for employees; 4) planning efforts for the one-year anniversary; 5) peer-to-peer training; 6) resiliency training now included in the yearly training of operators and about 400 were trained so far; 6) discussions with Senator Cortese’s staff about threat assessment training pilot program; and 7) updates and anticipated timeline for the organizational culture and climate transformation procurement.

Public Comment

Mr. Beekman commented about the following: 1) SEIU contract negotiations; and 2) Covid -19 vaccine.

Mr. Pospishek commented that ATU elected to not participate in the selection process for the VTA Culture and Climate Transformation, noting ATU had some concerns.

Board Member Hendricks requested that Mr. Pospishek reach out to him to discuss ATU's concerns over the proposal.

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

Board Member Chavez asked staff to reach out to Board Member Burt about creating an environmental impact framework for decisions that the Board needs to make in the future.

9.2. Announcements

There were no Announcements.

9.3. Public Comment

There were no Public Comments.

7. CLOSED SESSION (CONTINUED)

Public Comment

Mr. Beekman commented about transparency and open public policies.

7.1 Recessed to Closed Session at 9:33 p.m.

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

VTA Designated Representatives

Carolyn Gonot, General Manager/CEO

Jaye Bailey, Deputy Director of Employee Relations & Civil Rights

Greg Richardson, Chief Financial Officer

Employee Organization

Amalgamated Transit Union (ATU), Local 265

American Federation of State, County, and Municipal Employees
(AFSCME) Local 101

Service Employees International Unions (SEIU) Local 521

Transportation Authority Engineers and Architects Association (TAEA)
Local 21

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

Property: Portion of VTA North Division Bus Yard at 1235 La Avenida Street, Mountain View, CA 94040, also known as APN 116-16-073

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

Negotiating Parties: Angela LaMonica, Real Property Program Administrator, City of Mountain View

Under Negotiation: Terms and conditions for conveyance of easements

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

Name of Case: Santa Clara Valley Transportation Authority v. Brannon Tire aka Fleet Tire, Inc.

(Santa Clara County Superior Court Case No. 20-CV-369434)

D. (Deferred)

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

7.1.D.X. Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9

Number of Case: 1

7.2 Reconvened to Open Session at 11:37 p.m.

7.3 Closed Session Report

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

VTA Designated Representatives

Carolyn Gonot, General Manager/CEO

Jaye Bailey, Deputy Director of Employee Relations & Civil Rights

Greg Richardson, Chief Financial Officer

Employee Organization

Amalgamated Transit Union (ATU), Local 265
American Federation of State, County, and Municipal Employees
(AFSCME) Local 101
Service Employees International Unions (SEIU) Local 521
Transportation Authority Engineers and Architects Association (TAEA)
Local 21

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

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

Property: Portion of VTA North Division Bus Yard at 1235 La Avenida
Street, Mountain View, CA 94040, also known as APN 116-16-073

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

Negotiating Parties: Angela LaMonica, Real Property Program
Administrator, City of Mountain View

Under Negotiation: Terms and conditions for conveyance of easements

Ms. Tran 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: Santa Clara Valley Transportation Authority v. Brannon
Tire aka Fleet Tire, Inc.

(Santa Clara County Superior Court Case No. 20-CV-369434)

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

7.1.D.X. Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of
Section 54956.9

Number of Case: 1

Ms. Tran noted the Board has approved action to authorize the General
Counsel to file suit against LLM Industries Group, LLM Motors LLC
(assignment for the benefit of creditors), a Delaware domestic liability
company, and any other relevant party on behalf of VTA, if necessary to
protect VTA assets that are still in possession of LLM Motors, and to
receive any other relief that may be due to VTA as a result of LLM Motors’
failure to abide by the terms of the contract with VTA.

10. ADJOURNMENT

On order of Chairperson Jones and there being no objection, the meeting was adjourned at 11:38 p.m.

Respectfully submitted,

Theadora Abraham, Board Assistant
VTA Office of the Board Secretary