

BOARD OF DIRECTORS MEETING

Thursday, December 2, 2021

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 Hendricks 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	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	Absent
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 noted staff's request to remove from the Closed Session Agenda Items ##10.1.C, #10.1.D, #10.1.F, #10.1.G – Conference with Legal Counsel for Existing Litigations, and 10.1.I – Conference with Labor Negotiators. Chairperson Hendricks also noted that the language for Closed Session Item

#10.1.H – Conference with Legal Counsel for an Anticipated Litigation was updated to read, “Multiple Cases related to the May 26, 2021, incident.”

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

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

Chairperson Hendricks noted the meeting would be adjourning in memory of VTA employee Olga Medina who passed away on November 8, 2021. Chairperson Hendricks noted Ms. Medina’s contribution to VTA.

Chairperson Hendricks requested staff call the names in random order during Roll Call Votes.

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

RESULT:	Accepted - Orders of the Day – Agenda Item #1.2
MOVER:	Rich Constantine, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jones, , Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
ABSENT:	Jimenez

2. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR CALENDAR YEAR 2022

Chairperson Hendricks mentioned the established rotation for the Board’s leadership for calendar 2022. He noted that the 2022 Board Chairperson shall be selected from the City Group 1 (City of San Jose), and the 2022 Board Vice Chairperson shall be selected from the representatives from Groups 2-5 (North West, West Valley, South County, and North East).

Chairperson Hendricks explained the new ruling approved by the Board regarding the incumbent's ability to serve a second term as chairperson and he noted that he does not want to seek a second term.

Chairperson Hendricks noted that Vice Chairperson Jones submitted a letter of interest for the position of Chairperson, which a copy of the letter was included in the agenda packet.

Chairperson Hendricks opened the nominations from the floor. Board Member Liccardo nominated Vice Chairperson Jones for Chairperson. There were no other nominations from the floor.

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

M/S/C (Montano/Burt) to close nominations and elect Chappie Jones for Chairperson for calendar year 2022.

RESULT:	ELECTED CHAIRPERSON– Agenda Item #2.1
MOVER:	Carmen Montano, Board Member
SECONDER:	Pat Burt, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	Jimenez

Chairperson Hendricks congratulated Chairperson-elect Jones and noted he would assist him as he transitions to his new role.

Chairperson Hendricks noted the Board received a letter of interest for the position of vice chairperson from Board Member Constantine.

Chairperson Hendricks opened the nominations from the floor. Board Member Liccardo nominated Board Member Constantine for Vice Chairperson. There were no other nominations from the floor.

Public Comment

Paul Soto, Interested Citizen, congratulated Chairperson-elect Jones.

Elaine Baltao, Board Secretary, reminded the public attendees to limit their comments to the election of chairperson and vice chairperson.

Roland Lebrun, Interested Citizen, congratulated Chairperson-elect Jones. He commented on violations of the Brown Act.

Aleta Dupree, Interested Citizen, congratulated Chairperson-elect Jones. He mentioned seeing the Chairperson in Caltrain meetings and hope he would still be with VTA.

Blair Beekman, Interested Citizen, congratulated Chairperson-elect Jones. He commented on the following: 1) concerned about Advanced Office Password Recovery (AOPR); 2) surveillance and data collection technology, and 3) open public policies.

M/S/C (Jones//Liccardo) to close nominations and elect Rich Constantine for Vice Chairperson for calendar year 2022.

Board Member Liccardo thanked Chairperson Hendricks for his leadership during the most trying of years in the entire organization.

Chairperson Hendricks congratulated Chairperson-elect Jones and Vice Chairperson-elect Constantine. He stated he was comfortable with the 2022 leadership team and that he and the rest of the Board would provide support with their leadership with VTA.

RESULT:	ELECTED VICE CHAIRPERSON– Agenda Item #2.1
MOVER:	Charles “Chappie” Jones, Vice Chairperson
SECONDER:	San Liccardo, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	Jimenez

3. AWARDS AND COMMENDATION

3.1. Retirement Commendations

The Board of Directors recognized the following retirees for their public service with VTA: 1) Michael Sanchez, Coach Operator, 43 years; 2) Glorietta McGinnis, Light Rail Dispatcher, 40 years; 3) Ruben Aranda, Coach Operator, 33 years; and 4) John Blasé, Coach Operator, 26 years.

Public Comment

Paul Soto, Interested Citizen, commended the retirees for their commitment and hard work.

3.2. Resolution of Appreciation

M/S/C (Jones/Constantine) to adopt **Resolution of Appreciation No. 2021.12.37** for VTA Chief Administration Officer Sylvester Fadal.

RESULT:	ADOPTED – Agenda Item #3.2
MOVER:	Charles “Chappie” Jones, Vice Chairperson
SECONDER:	Rich Constantine, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	Jimenez

Mr. Fadal thanked the Board and spoke briefly.

Members of the Board commended Mr. Fadal and wished him well.

4. PUBLIC COMMENTS

Tessa Woodmansee, Interested Citizen, commented on the following: 1) public attendee’s speaking time; 2) climate crisis; and 3) discontinue BART project to San Jose.

Mr. Soto commended Mr. Fadal and VTA employees for their services to VTA.

Mr. Lebrun welcomed Vice Chairperson-elect Constantine to the leadership. He commented on the following: 1) Caltrain electrification; 2) congestion on US 101 along Monterey Highway and Santa Teresa; and 3) referenced December 2, 2021, recorded public meetings.

Aleta Dupree, Interested Citizen, expressed concern about fare cap policy and the completion of the BART project.

Andrew Boone, Interested Citizen, commented on the following: 1) VTA's policy on expending on highways expansion rather than investing on better public transit service; 2) green gas emission causing climate change; and 3) mode sharing of cars on highways.

Mr. Beekman echoed Mr. Boone's comments. He commented on the following: 1) biometric scanning technology on Accessible Autonomous Vehicle (AAV); and 2) open public ideas and accountability.

Mark Mollineaux, Interested Citizen, expressed concern about the BART project. He echoed Mr. Boone's comment on mode share shift.

Eugene Bradley, Silicon Valley Transit Users and Interested Citizen, congratulated Chairperson-elect Jones, Vice Chairperson-elect Constantine as new leaders for 2022 and Mr. Fadal for his new appointment in Sacramento County. He expressed concern on highway expansion as mandated by the voters' approved ballot.

5. PUBLIC HEARINGS

5.1. Resolution of Necessity: Eastridge to BART Regional Connector (EBRC) EBRC 1218 (Harduman and Kulwant Sanghera-Tenant); and EBRC 1240(Santa Clara County- Owner)

Ron Golem, Deputy Director of Real Estate & Transit Oriented Development provided a presentation entitled "VTA's Eastridge to BART Regional Connector (EBRC) Project, Resolution of Necessity.

Chairperson Hendricks formally opened the hearing.

Public Comment

Ms. Baltao noted that a letter from Glen Block, California Eminent Domain Law Group, was received and included in the packet.

Mr. Block, California Eminent Domain Law Group, representative for Mr. & Mrs. Harduman and Kulwant Sanghera, expressed opposition to the resolution of necessity.

Ms. Baltao noted that VTA responded to Mr. Block's letter and included it in the packet.

Mr. Soto expressed concern about eminent domain.

Mr. Lebrun commented that the EBRC project was not fully funded. He urged the following: 1) refrain from exercising the power of eminent domain until project has full funding; and 2) continue negotiation in good faith with the plaintiff.

Ms. Dupree expressed support for the project and advocated that the project moves forward.

Discussion ensued about providing a fair compensation for the tenants.

RESULT:	ADOPTED - Agenda Item #5.1
MOVER:	Carmen Montano, Board Member
SECONDER:	Magdalena Carrasco, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	Jimenez

M/S/C (Montano/Carrasco) to close Hearing and adopt **Resolutions of Necessity No. 2021.12.38** determining public interest and necessity requiring the acquisition of the following property interests located in the City of San Jose: (1) Harduman Sanghera and Kulwant Sanghera's leasehold or occupancy interest at the time of VTA's acquisition of the property (EBRC 1218), including goodwill damages, if any; and (2) Aerial Guideway Easement from County of Santa Clara of the State of California, for VTA's Eastridge to BART Regional Connector project (the "Project").

Property ID/Assessor's Parcel Number/Owner

EBRC 1218 (APN No.:488-01-002 and 488-01-049 (formerly identified as part of 488-01-002)) acquired by Santa Clara Valley Transportation Authority from Ibrahim and Mahfouza Abdulkariem pursuant to an Agreement for Purchase of Property for purposes of the Project.

Property ID/Assessor's Parcel Number/Owner

EBRC 1240 (APN No: 484-33-010) owned by the County of Santa Clara, State of California.

5.2. Resolution of Necessity: Downtown SJ Towers, LLC (B4042)

Mr. Golem provided a presentation on the BART Silicon Valley Phase II Project, Resolution of Necessity Hearing.

Public Comment

Mr. Soto expressed concern on the acquisition of the property.

Mr. Lebrun referenced his written public comment recommending other options rather than exercising the power of eminent domain.

Ms. Woodmansee expressed concern on the safety issues on the BART station in downtown San Jose.

Ms. Dupree suggested being proactive finalizing the Resolution of Necessity,

Mr. Bradley suggested the following: 1) fair market value for the landlord and his tenants; 2) work with private developer regarding tunneling; 3) survey input from the downtown voters and residents. He commented on the Measure A ballot regarding subways.

Board Member Perez requested staff to work with City of San Jose Office of Economic Development and Downtown Associations on exploring some temporary activations during the construction period.

M/S/C (Perez/Jones) to close Hearing and adopt a **Resolution of Necessity No. 2021.12.39** determining the public interest and necessity require the acquisition of one property located in the City of San Jose owned by Downtown SJ Towers, LLC, a California limited liability company, for the BART Silicon Valley Phase II Project (BSV II) (B4042).

Property ID/Assessor's Parcel Number/Owner

B4042 (APN No.: 467-21-024) owned by Downtown SJ Towers, LLC, a California limited liability company.

RESULT:	ADOPTED - Agenda Item #5.2
MOVER:	Raul Perez, Board Member
SECONDER:	Chappie Jones, Vice Chairperson
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jones, Liccardo, Montano, Paul, Perez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	Jimenez

6. COMMITTEE REPORTS

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

CAC Chairperson Swaminathan provided a report on the CAC meeting of November 10, 2021.

He congratulated Chairperson-elect Jones and Vice Chairperson-elect Constantine.

6.2. **Policy Advisory Board (PAC) Chairpersons' Report**

PAC Chairperson Moore provided a report on the PAC meeting of November 12, 2022.

Ms. Moore thanked Chairperson Hendricks for his excellent leadership and congratulated the new elected leaders.

Board Member Jimenez joined the video and teleconference at 6:47 p.m.

6.3 Standing Committee Chairpersons' Report

Chairperson Hendricks noted that the Congestion Management Program & Planning Committee Chairperson's Report was in the online agenda packet. He further noted that the Administration & Finance Committee did not meet.

6.4 Diridon Station Joint Policy Advisory Board

Chairperson Hendricks noted that the Diridon Station Joint Policy Advisory Board Chairperson's Report was in the online agenda packet.

Public Comment

Mr. Beekman expressed support for electric bus charging station infrastructures.

Ms. Woodmansee expressed support for electric bus charging stations. She commented on the following: 1) sustainability, 2) cost of infrastructure projects and its effects on climate crisis.

Mr. Soto expressed concern on alleged conflict of interest.

7. CONSENT AGENDA

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

There were no items submitted for the Consent Agenda from the Administration & Finance Committee.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

7.1 2021 Congestion Management Program (CMP) Document

M/S/C (Jones/Carrasco) to adopt the 2021 Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP) Document.

7.2 Five-Year Battery-Electric Bus Strategy

M/S/C (Jones/Carrasco) to direct staff to pursue the five-year battery-electric bus strategy in support of the California Air Resources Board-required zero-emission bus fleet transition.

7.3 Programmed Project Monitoring - Quarterly Report

M/S/C (Jones/Carrasco) to receive the Programmed Project Monitoring - Quarterly Report for July – September 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

There were no items submitted for the Consent Agenda from the Governance and Audit (G&A) Committee.

BOARD OF DIRECTORS

7.4. Regular Meeting Minutes of November 4, 2021

M/S/C (Jones/Carrasco) to approve the Regular Meeting Minutes of November 4, 2021.

7.5. Subsequent Resolution to Continue Remote Board and Committee Meetings

M/S/C (Jones/Carrasco) to adopt a subsequent **Resolution No. 2021.12.40** authorizing the Santa Clara Valley Transportation Authority (VTA) Board of Directors and all standing, advisory, policy, oversight, steering, and interagency committees and subcommittees of the Board to continue to meet by remote teleconference, subject to the requirements of Assembly Bill 361 (Rivas).

7.6. VTA Board of Directors Meeting Schedule for Calendar Year 2022

M/S/C (Jones/Carrasco) to approve the VTA Board of Directors Meeting Schedule for calendar year 2022.

7.7. Non-Revenue Vehicle Procurement

M/S/C (Jones/Carrasco) on a vote of 11 ayes, 0 no, 1 recusal to authorize the General Manager to procure Non-Revenue Vehicles (NRVs) for an amount of up to \$2,354,138 using the State of California purchasing contract or local authorized dealers. Board Member Liccardo recused.

7.8. Approval of Las Plumas Abatement and Demolition Contract

M/S/C (Jones/Carrasco) to authorize the General Manager to execute a General Environmental Engineering Consulting Services task order contract with Central Valley Environmental (CVE) for a term of one year in an amount not to exceed \$2.5 million for environmental engineering and building demolition services for a parcel at 1590 Las Plumas Avenue in the City of San Jose for the BART Silicon Valley Phase II Extension (BSVII) Project.

7.9. Property Acquisitions for the I-280/Wolfe Road Interchange Improvements Project

M/S/C (Jones/Carrasco) to receive report on property acquisitions for the I-280/Wolfe Road Interchange Improvements Project.

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

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

RESULT:	APPROVED – Agenda Items 7.1 – 7.6 and #7.8 - #7.10
MOVER:	Chappie Jones, Vice Chairperson
SECONDER:	Magdalena Carrasco, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	None

RESULT:	APPROVED – Agenda Item #7.7
MOVER:	Chappie Jones, Vice Chairperson
SECONDER:	Magdalena Carrasco, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	Liccardo
ABSENT:	None

8. REGULAR AGENDA

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

There were no items submitted for the Regular Agenda from the Administration and Finance (A&F) Committee.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) cOMMITTEE
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8.1 2016 Measure B Highway Interchanges Program: Prioritized Project List

Marcella Rensi, Deputy Director of Grants & Fund Allocation, provided a presentation on the 2016 Measure B Highway Interchanges Program: Prioritized Project List.

Public Comment

Reyne Jimeno, Board Assistant, noted that written comments from the following Interested Citizens were received and posted in the online agenda packet:

- Robin Roemer
- Erin McCarthy
- Rayshan Lee
- Steve Zhou
- Clemence Tiradon
- Debra Pacio
- Jennifer Simmons
- Jenny Ke
- Son Nguyen
- Marnie Singer
- Michael Szymanski
- Hock Gin Lim
- Susan Butler-Graham
- Adrana Estrada
- Linda Hutchins-Knowles (Mothers Out-Front Silicon Valley)
- Hoi-An-Truong

Ms. Woodmansee expressed concern about the project costs under the 2016 Measure B Highway Interchange Program.

Ms. Truong commented about the following: 1) catastrophic effects of greenhouse gas emissions; 2) front loading 2016 Measure B highway projects; 3) Charcot Extension project; and 4) to adhere only to Board approved projects.

Mr. Roemer expressed concern about staff's recommendation regarding the priority projects list.

Ms. McCarthy expressed concern about the safety and impact by the Charcot Avenue Extension project to the community. She urged that the funds be reallocated to other needed projects.

The following Interested Citizens expressed their support for Board Member Liccardo's letter and urged the Board to re-direct the funds to other projects:

- Robin Roemer
- Eugene Bradley
- Linda Hutchins-Knowles
- David Cohen
- Amelia Wong
- Monica Mallon

- Brian Presket
- Steve Gilbert
- Clemence Tiradon

Mr. Soto commented about eminent domain.

Mr. Lebrun commented about the following: 1) Charcot Extension project; 2) widening of SR 25; and 3) decongesting US 101.

Mark Mollineaux, Interested Citizen, urged to slow projects in proportion to reducing carbon emissions.

Mr. Beekman provided comment on the Charcot Extension project.

Ms. T, Interested Citizen, urged the Board not to vote for Agenda Items #8.1, #8.2, and #8.3.

Members of the Board discussed the following: 1) reconsideration of the Charcot Extension project; 2) reallocation of Charcot's unspent funds to another project based on scoring; 3) one-time only amendment to reallocate \$9.5 million Charcot Extension unspent funds; and 4) direct staff to recommend policies and approach should a similar situation arise in the future.

M/S/C (Simitian/Liccardo) to 1) Approve the recommended prioritized project list for the 2016 Measure B Highway Interchange Competitive Grant Program; 2) Approve \$196.81 million and the funding plan to advance various phases of twelve projects on the prioritized project list; and 3) Authorize the General Manager to execute the necessary agreements for the 2016 Measure B Highway Interchanges Competitive Grant Program funds, with amendment to include: 1) Director Liccardo's request that if the City of San Jose votes to not to proceed with the Charcot Avenue Extension project, the \$9.5 million will be allocated to either US101/Mabury Interchange project or to US 101/Zanker Road/Skyport Drive/4th Street project; 2) one-time request and will not be considered as precedence in the future; and 3) direct staff to provide recommendations regarding policies and approach for similar circumstances in the future.

RESULT:	APPROVED with Amendment– Agenda Item #8.1
MOVER:	Joe Simitian, Board Member
SECONDER:	Sam Liccardo, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	None

8.2 2016 Measure B Highway Interchanges Program: Prioritized Project List

Marcella Rensi, Deputy Director of Grants & Fund Allocation, provided a presentation entitled “2016 Measure B FY2022/ FY2023 Biennial Budget & 10-year Program Amendments.”

Public Comment

Ms. Jimeno noted that written comments from the following Interested Citizens were received and posted in the online agenda packet:

- Debra Pacio
- Clemence Tiradon
- Rayshan Lee
- Robin Roemer
- Erin McCarthy
- Marnie Singer
- Hock Gin Lim
- Susan Butler-Graham
- Adriana Estrada
- Linda Hutchins-Knowles
- Hoai=An Truong

Mr. Lebrun referenced the June 2021 Board Meeting regarding BART funding. He commented about the following: 1) monitor corridor capacity, and 2) Caltrain electrification.

Mr. Soto commented on two Board Members interested in running as mayor of the City of San Jose.

Ms. Dupree advocated for Caltrain grade separation project to reduce congestion.

Mr. Beekman advocated for Caltrain grade separation and electrification, and high speed rail.

Mr. Bradley expressed support for Caltrain grade separation and electrification. He commented about the highway interchange projects in the City of San Jose.

M/S/C (Simitian/Burt) to 1) Augment the 2016 Measure B Program in the Adopted Fiscal Years 2022 and 2023 Biennial Budget by \$190.89 million with allocation for the following 2016 Measure B Need/Capacity-based program categories: a) Caltrain Grade Separations and b) Highway Interchanges.

2) Approve the 2016 Measure B 10-year Program (FY2022 to FY2031) and ensure consistency with the Board’s action on December 2, 2021, relating to the Highway Program.

RESULT:	APPROVED – Agenda Item #8.2, consistent with the Amendments to Agenda Item #8.1
MOVER:	Joe Simitian, Board Member
SECONDER:	Pat Burt, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Liccardo, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	Montano

8.3 Adopted Fiscal Years 2022 and 2023 Biennial Budget Augmentation and Amendment

Kathleen Kelly, Interim Chief Financial Officer, provided a presentation on Adopted Fiscal Years 2022 and 2023 Biennial Budget Augmentation and Amendment.

Public Comments

Ms. Jimeno noted the written comments from the following Interested Citizens were received and posted in the online agenda packet:

- Debra Pacio
- Clemence Tiradon
- Rashan Lee
- Robin Roemer
- Erin McCarthy
- Marnie Singe
- Hock Gin Lim
- Susan Butler-Graham
- Adriana Estrada
- Hoai-an truong
- Linda Hutchins-Knowles

M/S/C (Simitian/Montano) to approve the \$422.33 million amendment and augmentation of the Adopted Fiscal Years 2022 and 2023 Biennial Budget to incorporate the following:

1. Augmentation of the 2016 Measure B Program by \$220.24 million for the Need/Capacity-based Programs.
2. Amended Valley Transportation Plan (VTP) Highway Improvement Program to include requested appropriations and corresponding budget augmentations for VTP Highway Improvement Program projects and augment the budget by \$143.49 million.

3. Appropriation of funds to VTA's Transit Operating fund related to the May 26, 2021, Guadalupe Light Rail Attack and authorize the General Manager to execute necessary agreements.
 - a. American Rescue Plan Act "Hardship" Funds - \$28.6 million
 - b. California Senate Bill 129 - \$20 million
 - c. Victims Relief Fund - up to \$10 million

Further, the Board noted that staff ensures that the action taken for this item is consistent with the Board's action on December 2, 2021, relating to the Highway Program.

RESULT:	APPROVED - Agenda Item #8.3, consistent with the Amendments to Agenda Item #8.1
MOVER:	Joe Simitian, Board Member
SECONDER:	Carmen Montano, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	None

8.4 Authorization to Issue a Request for Offer (RFO) at Berryessa Transit Center for Affordable Housing Development

Mr. Golem and Jessie O'Malley Solis, Manager, Transit-Oriented Development, provided a presentation entitled "Authorization to Issue a Request for Offer (RFO) at Berryessa Transit Center for Affordable Housing Development."

Public Comment

Mr. Soto expressed concern about building affordable housing projects in the area.

Mr. Lebrun commented about the following: 1) planning, collateral damage, and change; 2) rezoning of the Capitol parking lot for TOD.

Mr. Beekman commented about the following: 1) community outreach, and 2) conduct more study on average mixed income (AMI).

Scott Mace, Interested Citizen, commented about proximity to ticket vending machines.

M/S/C (Liccardo/Chavez) to authorize the General Manager to issue a Request for Offers (RFO) for the Berryessa 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 for Affordable Housing Development.

RESULT:	APPROVED - Agenda Item #8.4
MOVER:	Sam Liccardo, Board Member
SECONDER:	Cindy Chavez, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jimenez Jones, Liccardo, Montano, Paul, Peralez, Simitian
NOES:	None
RECUSED:	None
ABSENT:	None

8.5 Silicon Valley Rapid Transit (SVRT) Program Update

Takis Salpeas, BART Silicon Valley Extension Project Chief, provided an update on the Silicon Valley Rapid Transit (SVRT) Program.

Public Comment

Mr. Soto commented on the increased cost to build BART Phase II project.

Mr. Lebrun stated BART Board of Directors' specifications for the project.

Mr. Mollineaux suggested the following: 1) be empathetic to the Federal Transit Administration's (FTA) project assessment; 2) unacceptable diverting funds from other projects; and 3) pursue other funding options.

Mr. Bradley concurred with Mr. Lebrun and Mr. Mollineaux's comments.

The following Interested Citizens expressed support for BART to San Jose, adding the following comments: 1) independent peer review; 2) support for double bore; 3) joint meeting with BART Board of Directors; and 4) preserve bus service.

- Scott Mace
- Kevin Burke
- Cliff Barger
- Adina Levin
- Brian Preskitt

Ms. Dupree suggested constructing an elevator or escalator at the station.

Discussion ensued on single and double bore.

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

8. **OTHER ITEMS**

9.1. **General Manager Report**

Carolyn Gonot, General Manager/CEO, provided a report, highlighting the following: 1) Day of Remembrance – Friday, November 26, 2021; 2) Bus Recruitment Campaign; 3) Social Media Ridership Feedback; 4) Stuff the Bus; 5) Employee Food Drive; and 6) VTA General Manager's VTA Forward Plan.

9.1.A. **Senate Bill 129 Joint Labor Management Committee Update**

John Pospishek, ATU Local 265, provided an update on activities of the Senate Bill 129 Joint Labor Management Committee.

9.1.B. **Government Affairs Report**

Ms. Gonot noted that the Government Affairs Report was included in the online agenda packet.

Public Comment

The following Interested Citizens commented on the following: 1) ridership feedback; 2) restoring and improving bus service frequency; and 3) Board's initiatives.

- Mr. Bradley
- Raayan
- Ms. Mallon
- Ms. Levin

Mr. Soto provided comments on the General Manager report.

Mr. Lebrun commended the effort to restore bus and light rail service back to full service. He commented about the BART ridership and parking spaces along Berryessa BART station.

Chairperson Hendricks commended the framework layout for tracking activities and providing updates to the Board and the public.

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

9.2. **Chairperson's Report**

Chairperson Hendricks announced the December 16, 2021, Special Board Meeting at 11:30 a.m. via video and teleconference.

Chairperson expressed his sincere gratitude to all VTA employees and management for their hard work, resilience, and commitment to VTA and the public.

Public Comment

Chairperson Hendricks reminded Mr. Soto to limit his comment to the Chairperson's Report.

Mr. Soto provided comments on certain members.

Mr. Beekman queried about VTA plan for the next few years.

The following Interested Citizens thanked Chairperson Hendricks for his leadership as Chairperson:

- Ms. Levin
- Raayan
- Ms. Mallon

Vice Chairperson Jones expressed his appreciation to Chairperson Hendricks for his leadership during the difficult year and for his guidance. He looked forward to serving next year alongside Vice Chairperson-elect Constantine.

Board Member Constantine thanked Chairperson Hendricks for leading the Board and VTA through the challenges and tragedy by his compassion and empathy.

9.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

9.4. ANNOUNCEMENTS

Chairperson Hendricks announced the Stuff the Bus event on December 4, 2021, from 9:00 A.M. to 5:00 P.M.

10. CLOSED SESSION

Chairperson Hendricks noted that the Board will discuss the following items in Closed Session: 10.1.A, 10.1.B, 10.1.E, 10.1.H.

Public Comment

Mr. Beekman commented on open public policies.

Mr. Lebrun requested the following: 1) provide updates on the items discussed at the Closed Session; and 2) items removed from the Closed Session agenda.

10.1. Recessed to Closed Session at 10:30 p.m.

- A.** Public Employee Performance Evaluation
[Government Code Section 54957]

Title: General Counsel

- B.** 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)

- C. Removed from Closed Session Agenda**

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. Removed from Closed Session Agenda**

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 - Existing Litigation
[Government Code Section 54956.9(d)(1)]

Name of Case: Megia v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 14952543)

- F. Removed from Closed Session Agenda**

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

Name of Case: Alaghmandan v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 15265334)

G. Removed from Closed Session Agenda

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

Name of Case: Gonzalez v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 15076647)

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

Significant Exposure to Litigation

Multiple Cases related to the May 26, 2021, incident

I. Removed from Closed Session Agenda

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

Brandi Childress, Chief of Staff

Kathleen Kelly, Interim Chief Financial Officer

Employee Organization

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

Amalgamated Transit Union (ATU), Local 265

Service Employees International Unions (SEIU) Local 521

Transportation Authority Engineers and Architects Association (TAEA) Local 21

10.2. Reconvened to Open Session at 12:49 a.m., December 3, 2021

10.3. Closed Session Report

A. Public Employee Performance Evaluation
[Government Code Section 54957]

Title: General Counsel

Chairperson Hendricks noted no reportable action was taken during Closed Session.

B. 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)

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

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

Name of Case: Megia v. Santa Clara Valley Transportation Authority (Workers Compensation Appeals Board, ADJ 14952543)

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

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

Significant Exposure to Litigation

Multiple Cases related to the May 26, 2021, incident

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

10. ADJOURNMENT

On order of Chairperson Hendricks and there being no objection, the meeting was adjourned at 12:50 a.m., December 3, 2021, in memory of VTA employee Olga Medina.

Respectfully submitted,

Reyne Jimeno, Board Assistant
VTA Office of the Board Secretary