

BOARD OF DIRECTORS MEETING

Thursday, June 2, 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	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	Absent
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	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

1.2 Orders of the Day

Chairperson Jones noted that the agenda was revised to include amended language for **Agenda Item #8.5.**, Position on AB 2181 (Berman). He further noted that Closed Session would be split in two, the first one to be heard immediately after the Consent Agenda and the second after Other Items.

Board Member Jain requested to remove from the Consent Agenda and place on the Regular Agenda, **Agenda Item #6.5.**, Inaugural Strategic Capital Investment Plan for FY 2022 - FY 2041.

Board Member Peralez joined the video and teleconference meeting at 5:34 p.m.

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

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

2. AWARDS AND COMMENDATION

There were no awards and commendation.

3. PUBLIC COMMENT

Blair Beekman, Interested Citizen, commented about shot spotters at the San Jose Berryessa BART Station.

John Courtney, President of Amalgamated Transit Union (ATU) Local 265, thanked the Board for putting care and effort into the anniversary event for May 26, 2022.

4. PUBLIC HEARINGS

There were no public hearings.

5. REPORTS

5.1. Committee Reports

The Agenda was taken out of order.

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 May 12, 2022.

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 May 11, 2022.

5.1.C. Bicycle and Pedestrian Advisory Committee (BPAC) Chairperson's Report

Chairperson Jones noted that the May 11, 2022, BPAC Chairperson's report was available in the online agenda packet.

5.1.D. Standing Committee Chairpersons' Report

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

5.1.E. Policy Advisory Board Chairpersons' Report

Chairperson Jones noted there was no Policy Advisory Board Chairpersons' Report.

Public Comment

Mr. Beekman commented about the future of complete streets projects and mixed-use development related to housing.

Todd Burke, President of Home Homeowners Association, Palo Alto Central, expressed concern about the location of a porta potty placed at the California Ave. Caltrain and VTA Bus stop. He requested VTA consider moving it away from the residential units.

5.2. General Manager Report

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) award received for the Montague Expressway Pedestrian Overcrossing; 2) Bus Operator Graduation; 3) Fare Integration Task Force: Institutional Transit Pass Pilot Program; 4) External Affairs Activities; and 5) City of San Jose proclaimed May 26th as a Day of Remembrance in memory of the 10 employees whose lives were lost on May 26, 2021. Ms. Gonot announced David Hill, Chief Operating Officer, has retired.

5.2.A. Government Affairs Update

There was no Government Affairs Update.

Ms. Gonot noted that the ridership, safety and security information was available in the online agenda packet.

Public Comment

Mr. Beekman commented about the eternal flame from the May 26, 2022, ceremony, where employees remembered the victims of the Guadalupe tragedy.

Eugene Bradley, Silicon Valley Transit Users, made the following comments: 1) expressed condolences for victims of the Guadalupe tragedy; 2) congratulated

David Hill on his retirement; and 3) inquired about who will be the interim Chief of Operations.

5.3. Chairperson's Report

Chairperson Jones provided a brief report, highlighting that May 26, 2022 was the one-year anniversary of the Guadalupe tragedy. He reported that private and public ceremonial events were held to honor the 10 lives that were lost. He thanked the event organizers, volunteers and the Bill Wilson Center staff who helped make the event special.

6. CONSENT AGENDA

Board Member Chavez noted recusal for the following items, **Agenda Item #6.2.**, Amendment to Funding Agreement between VTA and Santa Clara County for the Development of Four Affordable Transit-Oriented Development Residential Projects and **Agenda Item #6.4.**, Selection of a Developer for Winchester Station Affordable Transit-Oriented Development Negotiations citing Government Code Section 84308.

Board Member Peralez noted recusal for **Agenda Item 6.4.**, Selection of a Developer for Winchester Station Affordable Transit-Oriented Development Negotiations, citing Government Code Section 84308.

Theadora Abraham, Board Assistant, noted that the written public comment received from Robert Weaver, Interested Citizen, was posted in the online agenda packet.

Public Comment

Mr. Beekman commented about VTA's Governance and Audit Committee meeting, specifically discussion around Metropolitan Transportation Commission (MTC) funding allocations.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Members of the Board made the following comments: 1) noted operators concerns about safety, and requested staff provide to the Board the presentation on safety that was shown at the Safety, Security, and Transit Planning and Operations (SSTPO) meeting; 2) requested a report on mental health services that are provided to staff; and 3) noted employee's concerns regarding difficulty accessing mental health services.

9.2. Announcements

There were no Announcements.

9.3. Public Comment

There were no Public Comments.

6. CONSENT AGENDA (CONTINUED)

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. Resolution to Execute Agreement with the California Department of Transportation

M/S/C (Jain/Jimenez) to adopt **Resolution No. 2022.06.20** authorizing the General Manager to file and execute funding agreements and other necessary documents with the State of California Department of Transportation (Caltrans) to receive Sustainable Transportation Planning Grant Program funds to prepare the Equitable Vehicle Miles Traveled (VMT) Mitigation Program for Santa Clara County.

6.2. Amendment to Funding Agreement between VTA and Santa Clara County for the Development of Four Affordable Transit-Oriented Development Residential Projects

M/S/C (Jain/Jimenez) on a vote of **10 ayes, 0 noes and 1 recusal**, to authorize the General Manager to amend the Cooperative Funding Agreement between the Santa Clara Valley Transportation Authority (VTA) and Santa Clara County for use of VTA-owned property and Santa Clara County-provided Measure A Affordable Housing Bond funds, by replacing Gilroy Transit Center with the Winchester Light Rail Station, and authorizing future additions of VTA-owned sites to the Funding Agreement. Board Member Chavez recused.

6.3. Proposed Transit-Oriented Communities Policy Update of 2019 Transit-Oriented Development Policy

M/S/C (Jain/Jimenez) to adopt the updated 2022 Transit-Oriented Communities Policy, as successor to the prior 2019 Transit-Oriented Development (TOD) Policy.

6.4. Selection of a Developer for Winchester Station Affordable Transit-Oriented Development Negotiations

M/S/C (Jain/Jimenez) 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 Related California and Path Ventures for a term of twelve (12) months with two six (6) month extensions for negotiation of the proposed terms and conditions of a lease option agreement and a long-term ground lease for a Transit-Oriented Development project at Winchester Transit Center. Board Members Chavez and Peralez recused.

If agreement cannot be reached with Related California and Path Ventures during the ENA term, authorize the General Manager to enter into an ENA with Eden Housing or Core Affordable Housing, LLC at the General Manager's discretion.

CAPITAL PROGRAM COMMITTEE

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

Approve: (A) the draft inaugural Strategic Capital Investment Plan for Fiscal Years 2022 – 2041; and (B) direct staff to pursue the Medium Scenario in future plans and budgets.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

6.6. One Bay Area Grant Cycle 3 Program and Project Selection Criteria

M/S/C (**Jain/Jimenez**) to 1) approve the One Bay Area Grant Cycle 3 (OBAG 3) program and project selection criteria; and 2) Approve \$10 million for Congestion Management Agency (CMA)/ County Transportation Agencies (CTA) planning and programming activities to be implemented and managed for fiscal years 2023-2026.

6.7. US 101/SR 25 Interchange Improvement – Phase 1 CEQA Addendum

M/S/C (**Jain/Jimenez**) to approve the US 101/SR 25 Interchange Improvement Phase 1 Project (Phase 1 Project) through the following actions:

8. Adopt the Addendum to the *U.S. 101 Improvement Project Between Monterey Street and State Route 129 Final Environmental Impact Report* (May 2013) acknowledging that the Addendum:
 - a. Meets the requirements of the California Environmental Quality Act (CEQA);
 - b. Represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and
 - c. Was presented to the VTA Board of Directors for review and consideration.
2. Approve the Phase 1 Project as the first phase of the ultimate U.S. 101 Improvement Project Between Monterey Street and State Route 129 Project (US 101 Improvement Project).

6.8. Programmed Project Monitoring – Quarterly Report

M/S/C (**Jain/Jimenez**) to receive the Programmed Projects Quarterly Monitoring Report for January-March 2022.

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)
COMMITTEE**

6.9. Transit Service Changes – June 13, 2022

M/S/C (Jain/Jimenez) to receive a report on the June 13, 2022 Transit Service Changes.

6.10. 2022 Service Planning Program

M/S/C (Jain/Jimenez) to receive a report on the 2022 Service Planning work program.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

There were no items submitted for the Consent Agenda from the Governance and Audit Committee.

BOARD OF DIRECTORS

6.11. Subsequent Resolution to Continue Remote Board and Committee Meetings

M/S/C (Jain/Jimenez) to adopt a subsequent **Resolution No. 2022.06.21** 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. Regular Meeting Minutes of May 5, 2022

M/S/C (Jain/Jimenez) to approve the Regular Meeting Minutes of May 5, 2022.

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

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

RESULT:	APPROVED – Agenda Item #6.1; 6.3; 6.6-6.13
MOVER:	Sudhanshu “Suds” Jain, Board Member
SECONDER:	Sergio Jimenez, Board Member
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	Burt

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

RESULT:	APPROVED – Agenda Item #6.4
MOVER:	Sudhanshu “Suds” Jain, Board Member
SECONDER:	Sergio Jimenez, Board Member
AYES:	Carrasco, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul
NOES:	None
ABSENT:	Burt
RECUSED:	Chavez, Peralez

7. CLOSED SESSION

Public Comment

Mr. Beekman commented about the following: 1) including labor groups in various VTA discussions and processes; and 2) time estimate for Closed Session.

Mr. Courtney thanked Ms. Gonot for taking initiatives and supporting a contract amendment. He noted it is a step in the right direction.

7.1 Recessed to Closed Session at 6:18 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
Amalgamated Transit Union (ATU), Local 265

7.2 Reconvened to Open Session at 6:42 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
Amalgamated Transit Union (ATU), Local 265

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

8. REGULAR AGENDA

8.1. Amendment to the Labor Agreement Negotiated between Santa Clara Valley Transportation Authority (VTA) and Amalgamated Transit Union, Local 265 Adjusting Starting Pay and Pay Progression for Bus Operators

Jaye Bailey, Interim Chief of People Resources, and Greg Richardson, Chief Financial Officer, provided an overview of the amendment to the labor agreement between VTA and ATU Local 265.

Elaine Baltao, Board Secretary, noted that the staff report and presentation for **Agenda Item #8.1**, Amendment to the labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Amalgamated Transit Union, Local 265 adjusting starting pay and pay progression for bus operators, were available in the online agenda packet.

Public Comment

Mr. Courtney made the following comments: 1) expressed support for staff's recommendation; 2) thanked VTA's administration for approving the contract amendment; and 3) urged the Board to reconsider the public speaker time limit.

M/S/C (Hendricks/Constantine) to approve and formally adopt an amendment to the labor agreement negotiated between Santa Clara Valley Transportation Authority (VTA) and Amalgamated Transit Union, Local 256 adjusting starting pay and pay progression for bus operators.

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

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

8.2. FY2022 Q3 Statement Revenues & Expenses

Mr. Richardson and Michael Smith, Finance, Debt & Investment Manager, provided an overview of the staff report and provided a presentation entitled “Q3 FY2022 Statement Revenues & Expenses.”

Public Comment

Mr. Beekman thanked staff for their report and hopes that staff will have a clear understanding on what to expect in the future as it relates to VTA’s budget.

Members of the Board and staff discussed sales tax revenues, fare revenues, budget versus actuals, and sales tax projections.

Members of the Board requested the following: 1) information and analogy behind the fare revenue increase; 2) include deficit slides on future presentations to show full picture; and 3) consider including in the projections possible decline in revenue due to a potential recession in the future.

M/S/C (Chavez/Hendricks) to review and accept the Fiscal Year 2022 Statement of Revenues and Expenses for the period ending March 31, 2022.

RESULT:	APPROVED – Agenda Item #8.2
MOVER:	Cindy Chavez, Board Member
SECONDER:	Glenn Hendricks, Board Member
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	Burt

8.3. Project-Specific Professional Liability Insurance Procurement to Support VTA’s BART Silicon Valley Phase II Extension Project – Contract Package 2 Tunnel and Trackwork (Contract V20221)

Judith Harteau, Enterprise Risk Manager, provided an overview of the staff report and provided a presentation entitled “BSVII CP Contract Project Specific Professional Liability Insurance (PSPL).”

Members of the Board and staff engaged in a brief discussion about the insurance coverage.

Public Comment

Mr. Beekman commented about natural disaster preparedness.

M/S/C (Chavez/Liccardo) to authorize the General Manager, through VTA’s insurance broker of record, Willis Towers Watson (WTW), to procure Project-Specific Professional Liability (PSPL) insurance for VTA’s BART Silicon Valley Phase II Extension Project (BSVII) from inherent risks of loss in Stage 1 activities under BSVII Contract Package 2 (CP2) – Tunnel and Trackwork (Contract V20221) with a limit of \$50,000,000 and \$5,000,000 self-insured retention for a premium amount not to exceed \$15,000,000.

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

CAPITAL PROGRAM COMMITTEE

There were no items submitted for the Regular Agenda from the Capital Program Committee.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

8.4. Seamless Transit Principles

Jim Lawson, Chief External Affairs Officer, provided an overview of the staff report.

Theadora Abraham, Board Assistant, noted written public comment from the following Citizens, was provided to the Board and can be found in the online agenda packet:

- Ian Griffiths, Seamless Bay Area

- Janet Cox, 350 Silicon Valley
- Laura Tolkoff, SPUR
- Russell Hancock, Joint Venture Silicon Valley
- Jason Baker, Silicon Valley Leadership Group
- Adina Levin, Friends of Caltrain
- Michael Abramson, Mountain View Coalition for Sustainable Planning
- George Spies, Seamless Bay Area

Public Comment

The following Interested Citizens expressed support for the Seamless Transit Principles.

- Adam Buchbinder
- Tony Romero
- Sid Kotapati
- Tiffany Rodriguez TDM Manager# SJSU
- Betsy Megas
- Raayan Mohtashemi
- Ian Griffiths

Board Member Burt joined the video and teleconference at 7:46 p.m.

Mr. Beekman commented about the following: 1) previous speakers' comments; 2) receiving federal funding; and 3) transit fares.

Mr. Courtney expressed opposition to Seamless Transit Principles and made the following comments: 1) urged the Board and public to look at the details of the Seamless Transit Principles; 2) expressed concern that VTA would give up local authority to the Metropolitan Transportation Commission (MTC); and 3) noted the current challenges VTA has with MTC.

Discussion ensued about the seamless transit principles and the principles being aspirational goals. Some Board Members expressed concern about balancing needs, practical implication of the principles; and making sure it does not impede VTA's ability to provide services for Santa Clara County residents.

M/S/C (Perez/Jain) on a vote of 11 ayes, 0 noes and 1 abstention to approve in concept the seven principles of Seamless Transportation while recognizing the Santa Clara Valley Transportation Authority Mission Statement that prioritizes the provision of sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible and promote the vitality of our region. Furthermore, to include the following: 1) strike out the word "in concept" in staff's recommendation; and 2) incorporate in the executive summary, legislation and policy positions will continue to be reviewed by the staff and the Board and inform future actions by this Board. Board Member Burt abstained.

RESULT:	APPROVED – Agenda Item #8.4, as amended
MOVER:	Raul Perez, Board Member
SECONDER:	Sudhanshu “Suds” Jain, Board Member
AYES:	Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Perez
NOES:	None
ABSENT:	None
ABSTAIN:	Burt

SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O) COMMITTEE

There were no items submitted for the Regular Agenda from the Safety, Security, and Transit Planning & Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

There were no items submitted for the Regular Agenda from the Governance and Audit Committee

BOARD OF DIRECTORS

8.5. Position on Assembly Bill (AB) 2181 (Berman)

Mr. Lawson provided an overview of the staff report, noting VTA’s opposition to AB 2181.

Ms. Abraham noted written public comment from Alison Hicks, Vice Mayor, City of Mountain View, and Larry Klein, Mayor, City of Sunnyvale, were provided to the Board and can be found in the online agenda packet.

Public Comment

John McAlister, Interested Citizen, expressed support for AB 2181.

Mr. Bradley commented about the following: 1) support for Mr. McAlister’s comments; 2) addressing false rumors; and 3) support for AB 2181.

Liz Gibbons, Council Member, City of Campbell, noted opposition to AB 2181 and expressed concern about AB 2181 proposed changes.

Marie Blankley, Mayor of the City of Gilroy, expressed concern about the proposed Board selection process outlined in AB 2181.

Members of the Board expressed support for staff’s recommendation to oppose AB 2181, and noted the actions VTA could take that do not require state legislation.

Members of the Board expressed concern about the following: 1) AB 2181's complex selection process for board members; 2) AB 2181 implications to VTA's structure and VTA's ability to compete for funding; and 3) the need to complete VTA's efforts related to improving the work culture within the organization, prior to taking on any major changes.

M/S/C (Chavez/Hendricks) to adopt an oppose position on AB 2181 (Berman): Santa Clara Valley Transportation Authority: board of directors. Furthermore, directed staff to send out a memo noting the Board's opposition to all the Cities, Cities Association, South County, and Board Supervisors.

RESULT:	APPROVED – Agenda Item #8.5, as amended
MOVER:	Cindy Chavez, Board Member
SECONDER:	Glenn Hendricks, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	None

6.5. Inaugural Strategic Capital Investment Plan for FY 2022 - FY 2041

Stephen Flynn, Senior Policy Analyst, and Yonel Grant, Kimley Horn, provided a presentation entitled “VTA Strategic Capital Investment Plan.”

Members of the Board and staff briefly discussed the following: 1) investment categories by expenditures; 2) goals for getting capital reserves; and 3) how the document is meant to be a framework to help with long term financial stability.

M/S/C (Jain/Hendricks) to approve: (A) the draft inaugural Strategic Capital Investment Plan for Fiscal Years 2022 - 2041; and (B) direct staff to pursue the Medium Scenario in future plans and budgets.

RESULT:	APPROVED – Agenda Item #6.5
MOVER:	Sudhanshu “Suds” Jain, Board Member
SECONDER:	Glenn Hendricks, Board Member
AYES:	Burt, Carrasco, Chavez, Constantine, Hendricks, Jain, Jimenez, Jones, Lee, Liccardo, Paul, Peralez
NOES:	None
ABSENT:	None

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

The following Interested Citizens expressed support for an independent peer review and provided suggestions on what the peer review should entail.

- Mark Mollineaux
- Mr. Buchbinder
- Davis Turner
- Ms. Levin
- Mr. Mohtashemi
- Kevin Burke

Members of the Board thanked staff for their work and noted the importance to keeping to the overall timeline for the project.

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, provided opening remarks thanking several employees from the organization for assisting with the ceremonial event on May 26, 2022, honoring the 10 lives that were lost.

Ms. Childress provided an update, highlighting the following: 1) resources for those suffering with Posttraumatic stress disorder (PTSD), including 3 mental health days off per year; 2) peer to peer training to help identify colleagues in need; 3) wellness workshops; and 4) active shooter training video.

Public Comment

Anne Marie, Interested Citizen, commented about operator assaults and the average response time.

The Board directed staff to bring forth for Board's consideration the organizational culture contract at the next meeting.

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

7. CLOSED SESSION (CONTINUED)

Ms. Abraham noted written public comment from the following Interested Citizens pertaining to **Agenda Item #7.1.B.**, were provided to the Board and can be found in the online agenda packet:

- Tracy Corral
- Bob Mack
- Audrey Rust

- Richard Piland
- Barbara Brady
- Batista Vieira
- David Dearborn and Michele Dearborn
- James P. Reber,
- David Mesher
- Lisa Hettler-Smith
- Domingo Candelas
- Anne Marie Todd
- Martin Delson
- Davide Vieira
- Gordon Smith and Lisa Hettler-Smith
- Andrew W. Kindon
- Joan Rivas-Cosby
- Terry Christensen
- Eleni Jacobson
- Nanci Klein, and Jon Cicirelli
- Emy Mendoza
- Alie Victorine
- Jean-Marie White
- Bill Rankin
- Sheila McGann-Tiedt
- Elizabeth Figueroa
- Ralph Portillo
- Sherri St.Martin
- Stephen Branz

Ms. Abraham noted that the written public comment for **Agenda Item 7.1.L. - Conference with Legal Counsel - Existing Litigation**, was received from Brad Nystrom, Interested Citizen, and was posted on the online Agenda Portal.

Public Comment

Mr. Nystrom commented about the Skanska-Shimmick-Herzog (SSH) contract for BART Phase I.

7.1 Recessed to Closed Session at 9:23 p.m.

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

Property: Portion of VTA property comprised of former Union Pacific Railroad right of way between Silver Creek and William Street in San Jose, CA, also known as portions of APN 249-65-077; 467-07-052,-070; 467-09-077,-078; 467-33-087,-091,-092; 467-33-075,-077; 467-35-089,108,109; 467-36-094,-

095; and 472-05-069 Agency Negotiator: Ron Golem, Director, Real Estate & Transit-Oriented Development

Negotiating Parties: Nanci Klein, City of San Jose, Director of Office of Economic Development, on behalf of a consortium of the City of San Jose, County of Santa Clara, and Santa Clara Valley Open Space Authority

Under Negotiation: Terms and conditions for the sale of property and conveyance of an easement for development of the Five Wounds Trail in the future 28th Street/Little Portugal BART Station Area

C. 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, ADJ15265334)

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

Name of Case: Balleza v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ14897666)

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

Name of Case: Gonzales v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ15076647)

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

Name of Case: Hernandez v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ15836937)

G. 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, ADJ15826905) [Cheng]

Name of Case: Megia v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, A ADJ14952453) [Bercasio]

H. 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)

- I. Conference with Legal Counsel - Existing Litigation**
[Government Code Section 54956.9(d)(1)]
Name of Case: Rudometkin v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ15444225)

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

Significant Exposure to Litigation
Worker's Compensation Claims Relating to Singh, Fritch, and Lane.

- K. 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.

- L. 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 (San Mateo Superior Court Case No. 20-CIV-02854)

7.2 Reconvened to Open Session at 12:01 a.m. on June 3, 2022

7.3 Closed Session Report

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

Property: Portion of VTA property comprised of former Union Pacific Railroad right of way between Silver Creek and William Street in San Jose, CA, also known as portions of APN 249-65-077; 467-07-052,-070; 467-09-077,-078; 467-33-087,-091,-092; 467-33-075,-077; 467-35-089,108,109; 467-36-094,-095; and 472-05-069
Agency Negotiator: Ron Golem, Director, Real Estate & Transit-Oriented Development

Negotiating Parties: Nanci Klein, City of San Jose, Director of Office of Economic Development, on behalf of a consortium of the City of San Jose, County of Santa Clara, and Santa Clara Valley Open Space Authority

Under Negotiation: Terms and conditions for the sale of property and conveyance of an easement for development of the Five Wounds Trail in the future 28th Street/Little Portugal BART Station Area

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: Alaghmandan v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ15265334)

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

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

Name of Case: Balleza v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ14897666)

Ms. Tran 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: Gonzales v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ15076647)

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

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

Name of Case: Hernandez v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ15836937)

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

G. 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, ADJ15826905) [Cheng]

Name of Case: Megia v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, A ADJ14952453) [Bercasio]

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

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

Name of Case: Romo v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ 14745130)

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

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

Name of Case: Rudometkin v. Santa Clara Valley Transportation Authority
(Workers Compensation Appeals Board, ADJ15444225)

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

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

Significant Exposure to Litigation
Worker's Compensation Claims Relating to Singh, Fritch, and Lane
Ms. Tran noted no reportable action was taken during Closed Session.

K. 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.

L. 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 (San Mateo Superior Court Case No. 20-CIV-02854)

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

10. ADJOURNMENT

On order of Chairperson Jones and there being no objection, the meeting was adjourned at 12:01 a.m. on June 3, 2022.

Respectfully submitted,

Theadora Abraham, Board Assistant
VTA Office of the Board Secretary