

## BOARD OF DIRECTORS MEETING

Thursday, August 5, 2021

### MINUTES

#### 1. CALL TO ORDER AND ROLL CALL

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The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Vice Chairperson Jones at 5:34 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
Patrick "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	N/A
Lisa Gillmor	Alternate Board Member	Present
Glenn Hendricks	Chairperson	Present
Sergio Jimenez	Board Member	Present
Charles "Chappie" Jones	Board Member	Present
Otto Lee	Alternate Board Member	N/A
Lynette Lee-Eng	Alternate Board Member	Present
Sam Liccardo	Board Member	Present
Carmen Montano	Board Member	N/A
Darcy Paul	Board Member	Present
Raul Peralez	Board Member	Present
Rob Rennie	Alternate Board Member	N/A
Joe Simitian	Board Member	Present

\* Alternates do not serve unless participating as a Member.

**A quorum was present.**

Chairperson Hendricks thanked everyone for their attendance and continued support. He acknowledged it has been more than two months since the Guadalupe incident and VTA continues to heal. We honor our fallen VTA employees and their memory.

Board Member Jimenez joined the teleconference at 5:35 p.m.

##### 1.2. Orders of the Day

There were no Orders of the Day.

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## 2. AWARDS AND COMMENDATION

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### 2.1. Board Resolution of Commendation for Former CAC/CWC Members

Members of the Board thanked former CAC/CWC Members Aaron Morrow, Martin Schulter, Noel Tebo and Herman Wadler for their years of dedicated, exemplary service to VTA and the Community.

**M/S/C (Jones/Chavez)** to adopt **Resolutions of Appreciation Nos. 2021.08.20, 2021.08.21, 2021.08.22 and 2021.08.23** for four former VTA Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee members for their service and contribution to VTA and the community: Aaron Morrow; Martin Schulter; Noel Tebo; and Herman Wadler.

<b>RESULT:</b>	<b>ADOPTED – Agenda Item #2.1</b>
<b>MOVER:</b>	Chappie Jones, Vice Chairperson
<b>SECONDER:</b>	Cindy Chavez, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	None

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## 3. PUBLIC COMMENT

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Anita McGraw, Board Assistant, noted that written public comments were received from the following interested citizens and posted on the Agenda Portal: Richard Marcantonio; Amalgamated Transit Union (ATU) Local 265; Marcia Cohen Zakai; Armando Barbosa; Elana Kessler; Joseph Hernandez; Janell Rubbo; Emily Wheeler; Nathan Sweedlow; Jody Dhaliwal; Annie Lloyd; Andrea Lowe; and Blair Beekman.

The following Interested Citizens expressed support for providing retroactive hazard compensation package to front-line employees:

- Ann Marie Ruiz
- Eugene Bradley
- Armando Garcia Barbosa
- Sultana Adams
- Phyllis Jackson
- Yvonne Williams
- Stephanie
- Eliseo
- Rachel Garcia-Feezel

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

- Huascar Castro
- Milton Bradley
- John
- Alicia Prieto
- Eric Chavez
- Twonya Johnson
- Nathaniel Arnold
- Hernandez
- Daniel Field
- Wade Kemp

Kirk Bertolet, VTA Employee, requested an investigation of the Department of Way, Power and Signals to determine the root cause of the stresses and hostilities that caused the horrific event. He expressed concern that employees will not feel safe returning to the same management and work environment.

Blair Beekman, Interested Citizen, expressed support for the institution of bus bridge service along First Street in San Jose until the light rail returns. He advocated for open public policy.

Tammy Dhanota, Service Employees International Union (SEIU) Local 521, expressed concern for VTA Information Technology (IT) employees who fear retaliation and noted a formal complaint has been filed. Employees are requesting the Board conduct a formal investigation by a third-party investigator.

Zac, ATU Local 265, requested the Board listen to VTA employees about the work environment to encourage and facilitate change in the culture.

Tessa Woodmansee, Interested Citizen, expressed concern about the following: 1) climate crisis; 2) pain and suffering; 3) COVID-19; 4) capitalism that exploits people and nature for profit; and 5) transformational change is needed.

## **4. PUBLIC HEARINGS**

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### **4.1. Caltrain Plan of Finance**

Michael Smith, Finance, Debt & Investment Manager, provided the staff report.

#### **Public Comment**

Ms. Woodmansee commented on the following: 1) presentation verbiage; 2) expressed support for Caltrain electrification; 3) expressed concern with BART going to Santa Clara, noting the redundancy.

Roland Lebrun, Interested Citizen, expressed support and noted additional oversight is needed on funding issues.

Mr. Beekman commented on the following: 1) Joint Powers Board (JPB) and Caltrain budget work, and 2) noted the importance of including natural disaster preparedness into Measure B planning.

**M/S/C (Chavez/Constantine)** to adopt **Resolution No. 2021.08.24** (1) affirming that the VTA Board, subsequent to a public hearing, has made a finding that the proposed “2021 Financing Plan” to be undertaken by the Peninsula Corridor Joint Powers Board (PCJPB) will result in significant public benefits and serve a public purpose; and (2) approving the proposed financing, including (a) the issuance by PCJPB of up to \$140 million of Caltrain Measure RR sales tax revenue bonds to fund certain capital costs and, (b) authorization to refund up to all of the 2019 Farebox Revenue Bonds whenever there is appropriate economic benefit.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS] – to close the Public Hearing and adopt Resolution No. 2021.08.24</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Rich Constantine, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	None

#### **4.2. Cerone and North Energy Service Master Agreement and Contracts**

Christina Jaworski, Senior Environmental Planner, provided the staff report and a presentation entitled “Cerone and North Energy Storage System Agreement and Contracts.”

##### **Public Comment**

Ms. Woodmansee commented that the presentation is neither clear nor educational.

Mr. Beekman expressed support for the report and suggested there be more explanation on the purpose of renewables.

Board Member Chavez thanked staff for the report. She requested staff report back on the status of VTA’s strategy to stop the use of diesel generators for back up throughout the organization.

**M/S/C (Chavez/Constantine)** to adopt **Resolution No. 2021.08.25** as required by California Government Code 4217.12, Energy Conservation Contracts, that: (1) Determines that the energy service agreement and contracts are in the best interest of the Santa Clara Valley Transportation Authority (VTA), (2) Finds that the anticipated cost to VTA for electrical energy or conservation services provided by the energy storage systems (ESS) facilities under the agreement and contracts will be less than the anticipated marginal cost to VTA of electrical energy that

would have been consumed by VTA in the absence of the agreement and contracts, and (3) Authorizes the General Manager or designee to enter into an agreement and two ten-year energy service contracts with Stem, Inc., for two ESS facilities at Cerone Bus Division in San Jose and North Bus Division in Mountain View.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS] – Agenda Item #4.2</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Rich Constantine, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	None

**4.3. Resolutions of Necessity for VTA’s BART Silicon Valley Phase II Project: B3109 and B3110**

Ron Golem, Director of Real Estate and Transit Oriented Development, provided a presentation entitled “VTA’s BART Silicon Valley Phase II Project.”

Evelynn Tran, General Counsel, noted written letters were received from the property owners. In response to those letters, Ms. Tran stated for the record that the purpose of a Transit Oriented Joint Development project entered into by a transit agency is to foster transit use, to enhance the transit service, or to foster the integration of land use and transportation. Focusing growth around transit stations capitalizes on public investments in transit and provides many benefits, including increased ridership and associated revenue gains for transit systems, incorporation of public and private sector engagement, and investment and the revitalization of neighborhoods. VTA may exercise the power of eminent domain to acquire any property necessary or convenient to the exercise of the powers that have been granted to it. VTA has been granted the power to engage in Transit Oriented Development (TOD). The TOD was cleared under the California Environmental Quality Act (CEQA) as part of the BART Phase II project. The Record of Decision referenced in the letters relate to the project as defined in the Federal Environmental Documents prepared pursuant to National Environmental Policy Act (NEPA). Further, there is a reference to compensation. The issue of Highest and Best Use is a component of the valuation of the property for purposes of determinizing just compensation. However, the amount of compensation is not a decision this Board needs to make in order to adopt a Resolution of Necessity. The statute requires that VTA make an offer that is not less than the appraised value, and VTA has complied with that requirement.

Chairperson Hendricks officially opened the public hearing.

**Public Comment**

Glenn Block, Eminent Domain Counsel to Monarch Truck Center, commented that the long-time tenants object to the adoption of the Resolution of Necessity because

the VTA refuses to offer fair compensation for the taking of Monarch's property and is only offering salvage value. Mr. Block requested the Board delay consideration of the Resolution of Necessity (R.O.N.) until VTA has made a fair market value offer.

Nicole Guetersloh, President and Owner of Monarch Truck Center, commented that Monarch Truck Center is a local family-owned business that started 45 years ago and currently has over 60 employees. Ms. Guetersloh encouraged the Board to delay consideration of the R.O.N. until VTA has made a fair market value offer.

Tony Guetersloh, Monarch Truck Center, noted that Monarch Truck Center serves thousands of local businesses and is a critical cog in the economic machine for San Jose and the Greater Bay Area. He noted it would be a significant blow to the local economy if San Jose were to lose Monarch.

Ms. McGraw noted that written public comment was received from Gerald Houlihan and posted on the Agenda Portal.

Ms. Woodmansee commented on the following: 1) public good provided for the community through the BART project, and 2) impacts of building and extending BART to Santa Clara.

Mr. Lebrun commented on the following: 1) parking concerns; 2) suggested additional approaches for property owners whereby VTA and the developer collaborate to incorporate the necessary subsurface infrastructure into the building foundation; and 3) alternatives for compensation.

Mr. Beekman commented on the following: 1) future of high-speed rail; and 2) importance of fair negotiation.

Members of the Board and staff discussed the following: 1) Relocation Compensation Assistance; 2) valuation of realty improvements; 3) what type of assistance and compensation are available to tenants and property owners; and 4) claims process.

**M/S/C (Jones/Chavez)** to close Hearing and adopt **Resolution of Necessity No. 2021.08.26, and Resolution No. 2021.08.27** determining that the public interest and necessity require the acquisition of two (2) properties located in the City of San Jose owned by the following property owners: (1) Richard Della Maggiore and Joan Della Maggiore Revocable Living Trust dated November 13, 1991 and The Loren W. Thorson and Arlethea K. Thorson Trust dated August 18, 1982; and (2) Honco Investment Company, LLC, California limited liability company, successor in interest to Honco Investment Company, L.P., a California limited partnership for VTA's BART Silicon Valley Phase II.

**Project. Property ID/Assessor's Parcel Number/Owner**

**Resolution No. 2021.08.26** - B3109 (APN Nos.: 467-8-005 and 467-08-012) owned by Richard Della Maggiore and Joan Della Maggiore Revocable Living Trust dated November 13, 1991 and The Loren W. Thorson and Arlethea K. Thorson Trust dated August 18, 1982.

**Resolution No. 2021.08.27** - B3110 (APN Nos.: 467-8-004; 010; 011; and 013) owned by Honco Investment Company, LLC, California limited liability company, Successor in interest to Honco Investment Company, L.P., a California limited partnership.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS] – to close the Public Hearing and adopt Resolutions for B3109 and B3110</b>
<b>MOVER:</b>	Chappie Jones, Vice Chairperson
<b>SECONDER:</b>	Cindy Chavez, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	None

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## **5. COMMITTEE REPORTS**

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

Citizens Advisory Committee (CAC) Vice Chairperson Miller provided a brief report on the CAC Meeting of July 7, 2021. He noted the committee vacancies and asked the Board to help spread the word and attract potential candidates.

### **5.2. Policy Advisory Committee (PAC) Chairperson's Report**

There was no Policy Advisory Committee (PAC) Chairperson's report.

### **5.3. Standing Committee Chairpersons' Report**

There was no Standing Chairpersons' Report.

### **5.4. Policy Advisory Board Chairpersons' Report**

There was no Policy Advisory Board Chairpersons' Report.

### **Public Comment**

Mr. Lebrun commented on the following: 1) requested the 2000 Measure A Citizens Watchdog Committee annual report on the website be unlocked so it may be copy/pasted, and 2) 2016 Measure B allocations.

Mr. Beekman commented on the importance of the CAC/CWC and the work they do.

## 6. CONSENT AGENDA

### BOARD OF DIRECTORS

#### Public Comment

Mr. Beekman commented about the following: 1) thanked staff for June and July committee meetings; and 2) expressed support for charging stations at the Eastridge to BART extension project.

Mr. Lebrun referred TO the I-680/Montague pedestrian overcrossing project and expressed an opinion that there would have been no need for an overcrossing if Phase I was designed correctly.

Ms. Woodmansee commented about the following: 1) climate emergency; and 2) expressed support for Bus Rapid Transit (BRT).

#### 6.1. Regular Meeting Minutes of June 3, 2021

M/S/C (Chavez/Jimenez) to approve the Regular Meeting Minutes of June 3, 2021.

#### 6.2. Regular Meeting Minutes of June 18, 2021

M/S/C (Chavez/Jimenez) to approve the Regular Meeting Minutes of June 18, 2021.

#### 6.3. Special Meeting Minutes of June 18, 2021

M/S/C (Chavez/Jimenez) to approve the Special Meeting Minutes of June 18, 2021.

#### 6.4. Special Meeting Minutes of July 13, 2021

M/S/C (Chavez/Jimenez) to approve the Special Meeting Minutes of July 13, 2021.

#### 6.5. Amendment to Charging Infrastructure and Microgrid Technology.

M/S/C (Chavez/Jimenez) to adopt a program **Resolution No. 2021.08.28** for VTA's 2021 Low Carbon Transportation and Operations Program (LCTOP) of projects for \$3,900,446 for the Charging Infrastructure & Microgrid Technology and the Eastridge to BART Regional Connector (EBRC) Project.



**6.6. Montague Pedestrian Overcrossing Contract Amendment (C18231F).**

M/S/C (Chavez/Jimenez) to authorize the General Manager to amend Contract C18231F with DMZ Builders in the amount of \$285,000 for the construction of the Montague Pedestrian Overcrossing (MPOC) for a new total contract amount of \$13,157,738.

**6.7. Fiscal Year 2022 Transit Operations Insurance Program Outcome.**

M/S/C (Chavez/Jimenez) to receive report to summarize the outcome of VTA's annual Transit Operations Insurance program for Fiscal Year 2022.

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS] – Agenda Item #6.1 – 6.8</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Sergio Jimenez, Board Member
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	None

## **7. REGULAR AGENDA**

### **BOARD OF DIRECTORS**

**7.1. 2016 Measure B Need/Capacity based Program Category FY2022/FY2023 Biennial Budget & 10-year Program Allocations.**

Kathleen Kelly, Interim Chief Financial Officer, provided the staff report and a presentation entitled “2016 Measure B Need/Capacity-based Programs FY2022/FY2023 Biennial Budget & 10-year Program Allocations.”

**Public Comment**

Ms. Woodmansee noted the importance of making decisions that reduce the use of fossil fuels.

Mr. Lebrun commented on the following: 1) BART Phase II; 2) Caltrain; 3) corridor capacity improvements; and 4) electrification expansion.

Mr. Beekman commented on 1) road repair; 2) Caltrain grade separations; 3) sustainability ideas; 4) disaster preparedness; and 5) recharging stations.

Discussion ensued about the following: 1) FY 22 and FY 23 biennial budget for the Caltrain Corridor Capacity Improvement Program Category, how the \$29.3 million will be spent, and whether the electrification expansion, expansion of Caltrain Gilroy service, and refurbishment of diesel trains projects were previously funded; 2) timing for the SR 85 allocations in the 10-year plan, and 3) opportunities to revisit the 10-year plan.

Board Member Simitian urged a yes vote on the measure. He requested staff will report back to the Board in a year to provide the State Route (SR 85) Corridor Status Update.

1. **M/S/C (Liccardo/Jones)** on a vote of 10 ayes and 2 noes to augment the 2016 Measure B Program Fiscal Years 2022 and 2023 Biennial Budget by \$29.35 million as shown in Attachment A in the staff report with allocations that cover the following four 2016 Measure B Need/Capacity-based program categories: a) BART Phase II, b) Caltrain Corridor Capacity Improvements, c) County Expressways, and d) SR 85 Corridor. Board Members Constantine and Paul opposed.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #7.1 – 2016 Measure B Biennial Budget Augmentation Fiscal Years 2022 and 2023</b>
<b>MOVER:</b>	Sam Liccardo, Board Member
<b>SECONDER:</b>	Chappie Jones, Vice Chairperson
<b>AYES:</b>	Burt, Carrasco, Chavez, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Peralez, Simitian
<b>NOES:</b>	Constantine, Paul
<b>ABSENT:</b>	None

2. **M/S/C (Liccardo/Jones)** on a vote of 11 ayes, 0 noes, and 1 abstention, as amended, to approve the 2016 Measure B 10-year Program (FY 2022 to 2031) for the 2016 Measure B Need/Capacity-based program categories: a) BART Phase II, b) Caltrain Corridor Capacity Improvements, c) County Expressways, and d) SR 85 Corridor Program Categories, as well as for three Formula-based programs that are already in the FY 2022/2023 Biennial Budgets: a) Local Streets & Roads, b) Bicycle & Pedestrian, and c) Transit Operations. Additionally, approve the projected annual Program Administration costs as part of the 10-year Program. Further, staff will report back to the Board in a year to provide the State Route (SR 85) Corridor Status Update. Board Member Paul Abstained.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #7.1 – 2016 Measure B 10-year Program and Program Administration Costs</b>
<b>MOVER:</b>	Sam Liccardo, Board Member
<b>SECONDER:</b>	Chappie Jones, Vice Chairperson
<b>AYES:</b>	Burt, Carrasco, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSTAIN:</b>	Paul
<b>ABSENT:</b>	None

**7.2. 2016 Measure B Highway Interchanges Program Category Prioritization and Project Selection Process**

Marcella Rensi, Deputy Director of Grants and Fund Allocations, provided the report and a presentation entitled “2016 Measure B Highway Interchange Program Category Prioritization & Project Selection Process.”

**Public Comment**

Ms. McGraw noted that written public comments were received from the following interested citizens and posted on the Agenda Portal: Hoai-An Truong and Virginia Varela-Campos.

Mr. Beekman commented on 2016 Measure B Highway budget issues.

Hoai-An Truong, Interested Citizen, commented on the following: 1) expressed strong opposition to the Charcot Extension Project; 2) social equity issues; 3) climate change; 4) 2016 Measure B funding needs to go to alternative transit, denser housing close to transit hubs, dedicated transit lanes and traffic signal pre-emption.

The following Interested Citizens requested the Board de-prioritize and vote against the Charcot Overcrossing, noting the project would have a negative physical and emotional impact on students and residents.

- Monica Galindo-Doss
- Erin McCarthy
- Eugene Bradley
- Tessa Woodmansee
- Monica Mallon

Mr. Lebrun commented on Highway Projects with 2016 Measure B Funding Allocations.

Members of the Board and staff discussed the following: 1) evaluation process; 2) geographic balance; 3) congestion management; 4) regional destinations; 5) project readiness and community support; and 6) weight of climate impacts.

**M/S/C (Jones/Jimenez)** on a vote of 10 ayes to 1 no to: 1) Approve the proposed 2016 Measure B Highway Interchange Program Category Prioritization and Project Selection Process to develop a ranked priority list of Highway Interchange projects. 2) Upon approval, direct staff to use the Project Selection and Prioritization Process, as well as the Project Readiness Criteria, approved by the Board at their May 6, 2021 meeting, to develop the recommendations for Highway Interchanges program category FY2022/FY2023 Biennial Budget and draft 2016 Measure B 10-year Program (FY 2022-2031) allocations Board and bring these back to the Board for review and approval. Board Member Chavez opposed.

<b>RESULT:</b>	<b>APPROVED – Agenda Item #7.2</b>
<b>MOVER:</b>	Chappie Jones, Vice Chairperson
<b>SECONDER:</b>	Sergio Jimenez, Board Member
<b>AYES:</b>	Burt, Constantine, Gillmor, Hendricks, Jimenez, Jones, Liccardo, Paul, Peralez, Simitian
<b>NOES:</b>	Chavez
<b>ABSENT:</b>	Carrasco

**7.3. (Deferred)**

**M/S/C (Chavez/Jones)** to defer to accept the Design Development Framework (DDF) for the Transit-Oriented Development (TOD) site located on the VTA Block in Downtown San Jose.

<b>RESULT:</b>	<b>DEFERRED – Agenda Item #7.3</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Chappie Jones, Vice Chairperson
<b>AYES:</b>	Burt, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco, Liccardo

The agenda was taken out of order.

<b>SVRT PROGRAM UPDATE</b>
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**7.5. (Deferred)**

Receive the Silicon Valley Rapid Transit (SVRT) Program Update.

**Public Comment**

Mr. Lebrun expressed serious concern about BART funding expenditures.

Mr. Beekman commented on the following: 1) BART funding; and 2) prioritization of transit operation needs.

Ms. Woodmansee commented on the following: 1) BART community outreach; and 2) noted the importance of prioritizing the reduction of fossil fuels.

<b>RESULT:</b>	<b>DEFERRED – Agenda Item #7.5</b>
<b>MOVER:</b>	Cindy Chavez, Board Member
<b>SECONDER:</b>	Chappie Jones, Vice Chairperson
<b>AYES:</b>	Burt, Chavez, Constantine, Gillmor, Hendricks, Jimenez, Jones, Paul, Peralez, Simitian
<b>NOES:</b>	None
<b>ABSENT:</b>	Carrasco, Liccardo

The Board of Directors took a short break at 8:38 p.m. and reconvened at 8:45 p.m.

**7.4. Authorization to Issue a Request for Offer (RFO) at the Gilroy Transit Center for Affordable Housing Development**

Mr. Golem and Jessie O'Malley-Solis, Transit-Oriented Development Manager, provided an overview of the staff report and a presentation entitled “Gilroy Transit Center Authorization to Issue a Request for Offer (RFO) for an Affordable Housing Development.”

**Public Comment**

Ms. McGraw noted that written public comments were received from the following interested citizens and posted on the Agenda Portal: Zachary Hilton; Marie Blankley; Gary Walton; Downtown Gilroy Business Assn.; David Meyer; Mark Turner, and Andrew Ridley.

Marie Blankley, Mayor, City of Gilroy, expressed concern and urged that the Board delay authorization of a Request for Offer (RFO) at the Gilroy Transit Center for Affordable Housing Development. Ms. Blankley expressed support for additional viable transit in Gilroy before adding additional housing.

The following Interested Citizens expressed support and asked that the Board move forward and issue an RFO at the Gilroy Transit Center, noting the community is in dire need of additional affordable housing.

- Rebecca Armendariz
- Zachary Hilton

Mr. Lebrun commented on the following: 1) loss of parking spaces; 2) suggested the Board direct VTA to engage with Caltrain and sell the parking lot; and 3) direct staff to start focusing on the 34 acres and 1,200 empty parking spaces surrounding the Santa Teresa light rail station.

The following Interested Citizens made the following comments: 1) expressed concern with a reduction of parking spaces; 2) suggested VTA work with other agencies to improve transit options surrounding the Gilroy Transit Center before adding additional development; and 3) complete Caltrain electrification.

- Mr. Bradley
- Ms. Woodmansee
- Mr. Beekman

Board Member Simitian and staff discussed potential ramifications of a two-month delay for VTA to work in good faith with the City of Gilroy to address their concerns. Board Member Simitian moved to defer the item. Board Member Burt seconded.

Members of the Board discussed the following: 1) 2000 Measure A affordable housing funding allocations; 2) affordable housing oversight; 3) parking; and 4) approval process.

Board Member Constantine moved a substitute motion to approve the staff recommendation as written in the packet. Board Member Peralez seconded.

**M/S/F (Constantine/Peralez)** on a vote of 4 ayes to 8 noes to authorize the General Manager to issue a competitive Request for Offer (RFO) for the Gilroy Transit Center Affordable Housing Project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) -OSH Cost-Sharing Agreement for County Measure A-Funded Transit-Oriented Development (TOD). Board Members Burt, Chavez, Gillmor, Hendricks, Jones, Liccardo, Paul and Simitian opposed.

<b>RESULT:</b>	<b>FAILED – Agenda Item #7.4</b>
<b>MOVER:</b>	Rich Constantine, Board Member
<b>SECONDER:</b>	Raul Peralez, Board Member
<b>AYES:</b>	Carrasco, Constantine, Jimenez, Peralez
<b>NOES:</b>	Burt, Chavez, Gillmor, Hendricks, Jones, Liccardo, Paul, Simitian
<b>ABSENT:</b>	None

**M/S/C (Simitian/Burt)** on a vote of 11 ayes to 1 no to defer authorizing the General Manager to issue a competitive Request for Offer (RFO) for the Gilroy Transit Center Affordable Housing Project in conjunction with the Santa Clara County Office of Supportive Housing (OSH) pursuant to the Santa Clara Valley Transportation Authority (VTA) -OSH Cost-Sharing Agreement for County Measure A-Funded Transit-Oriented Development (TOD). Further, the Board requests a two-month delay and directs staff to work with Gilroy City Staff. Board Member Carrasco opposed.

<b>RESULT:</b>	<b>DEFERRED – Agenda Item #7.4</b>
<b>MOVER:</b>	Joe Simitian, Board Member
<b>SECONDER:</b>	Pat Burt, Board Member
<b>AYES:</b>	Burt, Chavez, Constantine, Gillmor, Jimenez, Jones, Hendricks, Liccardo, Paul, Peralez, Simitian
<b>NOES:</b>	Carrasco
<b>ABSENT:</b>	None

## **8. OTHER ITEMS**

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

Carolyn M. Gonot, General Manager/CEO, provided a report, highlighting the following: 1) July 18, 2021, Memorial Service; 2) \$20M State Allocation in response to the Guadalupe incident to help support behavioral health services, organizational development, and reasonable accommodations; and 3) Temporary Bus Bridge. Ms. Gonot thanked the Cities of Gilroy and Morgan Hill for their support and understanding as the opening of Route 568 is delayed.

#### **8.1.A. Resumption of Light Rail Service**

Ms. Gonot introduced Austin Jenkins, Director of Rail Operations, who provided a brief update on resumption of light rail service.

Robert Daniels, Rail Activation Manager, provided an update on the completion of Phase II and re-boarding of VTA staff.

#### **8.1.B. Government Affairs Update**

Jim Lawson, Chief External Affairs Officer, briefly reported on the Metropolitan Transportation Commission's actions relating to the American Rescue Plan Act of 2021. He noted there will be two tranches and VTA is expected to receive \$55 million.

#### **Public Comment**

Mr. Bradley thanked staff for returning shuttle buses.

Mr. Lebrun commented on ridership statistics.

Mr. Beekman thanked staff for the bus bridge and welcomed VTA's General Manager/CEO, Carolyn M. Gonot.

Board Member Constantine welcomed Mr. Jenkins back to VTA.

**8.2. Chairperson's Report**

Chairperson Hendricks provided a report, highlighting the July 18, 2021 VTA Family Memorial Service.

**Public Comment**

Mr. Beekman commented on positive sustainable ideas with open technology.

**8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

Chairperson Hendricks requested General Counsel to look into and evaluate the potential of requiring COVID-19 vaccination to VTA employees and contractors.

Board Member Burt requested General Counsel also include the option of a weekly testing requirement.

**8.4. Announcements**

There were no Announcements.

**9. CLOSED SESSION**

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*There were no Closed Session items.*

**10. ADJOURNMENT**

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**On order of Chairperson Hendricks** and there being no objection, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Anita McGraw  
VTA Office of the Board Secretary