

From: VTA Board Secretary

Sent: Tuesday, September 5, 2023 5:12 PM

To: VTA Board of Directors

Subject: VTA Information: Updated September 7, 2023, Board of Directors Agenda Packet

Board Members:

The September 7, 2023 Board of Directors meeting agenda packet has been updated to include a Revised Agenda reflecting the following:

- 1) **Item #7.3** – Declaration of Surplus Land Act exemption for 9 VTA TOD Sites: Deferred to October 2023 Board Meeting.
- 2) **Item #7.4** – Emergency Interim Housing (EIH): To be heard at 6:30 PM (Time Certain)

The Agenda packet has also been updated to include the following:

- 3) **Item #6.1** – TOD TDM Policy: addition of public comments
- 4) **Item #6.11** – SB 129 Joint Labor Management Committee Update: addition of Staff Report
- 5) **Item #7.4** – Emergency Interim Housing (EIH): addition of Staff Report w/attachments and public comments
- 6) **Item #8.1** – Items of Concern and Referral to Administration: addition of referrals from Vice Chair Chavez

You may access the updated packet on our [agenda portal](#).

Thank you,

Office of the Board Secretary

3331 North First Street

San Jose, CA 95134-1927

Phone **408-321-5680**

From: VTA Board Secretary

Sent: Thursday, September 7, 2023 2:35 PM

To: VTA Board of Directors

Subject: VTA Information: 2nd Update to September 7, 2023, Board of Directors Agenda Packet

Board Members:

The September 7, 2023 Board of Directors meeting agenda packet has been updated with the following:

- 1) **Item #5.1.b** – Policy Advisory Committee (PAC) Chairperson’s Report
- 2) **Item #5.1.c** – Standing Committee Chairperson’s Report for CMPP and SSTPO
- 3) **Item #5.1.d** – Policy Advisory Board Chairperson’s Report for Diridon Station JPAB
- 4) **Item #5.2** – General Manager’s Report (GM PowerPoint, Ridership Stats, Monthly Crime Stats)
- 5) **Item #5.2.a** – Government Affairs Report
- 6) **Item #6.1** – public comments
- 7) **Item #6.11** – Caltrain Report
- 8) **Item #7.4** – PowerPoint presentation, public comments

You may access the updated packet on our [agenda portal](#).

Also, please see attached timed agenda.

Thank you,

Office of the Board Secretary

3331 North First Street

San Jose, CA 95134-1927

Phone **408-321-5680**

BOARD OF DIRECTORS MEETING

Thursday, September 7, 2023

5:30 PM

ESTIMATED TIMES:

5:30 PM– START MEETING

11:15 PM - ADJOURN

REVISED AGENDA

1. CALL TO ORDER AND ROLL CALL (5 MINS; 5:30 TO 5:35 P.M.)

1.1. ROLL CALL

1.2. Orders of the Day

Adjourn in memory of Stella Lovera, a recent retiree who passed away on September 3.

Moment of Silence.

Chair will note revised agenda.

- Deferral of Item 7.3 – Declaration of Surplus Land Act exemption for 9 VTA TOD Sites
- TIME CERTAIN at 6:30 PM for Item #7.4 - Directors Mahan, Foley and Jimenez Emergency Interim Housing Request (EIH)

2. AWARDS AND COMMENDATION (0 MINS; END @ 5:35 P.M.)

There are no Awards and Commendations.

3. PUBLIC COMMENT (15 MINS; 5:35 TO 5:50 P.M.)

This is for items NOT on the agenda.

1 minute per speaker. Those in person will be heard first then those who are on zoom.

Total time allotted is up to 30 minutes.

After 30 minutes, those who were unable to address the Board on matters not on the agenda may address the board before adjournment.

4. PUBLIC HEARINGS (0 mins; end @ 5:50 p.m.)

There are no Public Hearings.

5. REPORTS (20 mins; 5:50 to 6:10 p.m.)

5.1. Committee Reports

5.1.A. Citizens Advisory Committee (CAC) Chairperson's Report. (Verbal Report) (Miller)
Howard Miller, CAC Chair, will provide a report.

5.1.B. Policy Advisory Committee (PAC) Chairperson's Report. (Verbal Report) (Rennie)
Report in the [packet](#).

5.1.C. Standing Committee Chairpersons' Report. (Verbal Report)
Report in the [packet](#).

5.1.D. Policy Advisory Board Chairpersons' Report. (Verbal Report)
Report in the [packet](#).

5.2. General Manager Report. (Verbal Report)

Slides Available [online](#)

5.2.A. INFORMATION ITEM - Receive Government Affairs Update.

5.3. Chairperson's Report. (Verbal Report)

Slide Available [online](#)

6. CONSENT AGENDA (10 mins; 6:10 to 6:20 p.m.)

Consent Agenda is from Items #6.1 through 6.7 and 6.11.

NEED MOTION/SECOND

6.1. ACTION ITEM - Adopt a Transportation Demand Management (TDM) Policy as an amendment to VTA's Transit-Oriented Communities (TOC) Policy, as set forth in Attachment A of the staff report, including a provision that requires housing developers to purchase a minimum of two years of SmartPasses for each household in future VTA Transit-Oriented Development (TOD) projects.

Public Comments are [online](#).

6.2. INFORMATION ITEM - Receive the Programmed Projects Quarterly Monitoring Report for April to June 2023.

- 6.3.** INFORMATION ITEM - Receive an update on VTA's Climate Action and Adaptation Plan.
- 6.4.** INFORMATION ITEM - Receive a report on the August 14, 2023 Transit Service Changes.
- 6.5.** ACTION ITEM - Amend the task order contract with Macias Gini & O'Connell LLP for VTA Auditor General and internal audit services to accommodate ongoing additional usage by the Board and Administration by increasing the maximum amounts for: (A) Four-year base term by \$450,000; and (B) Option Year 1 by \$600,000. The revised maximum contract value, should the Governance & Audit Committee decide in the future to exercise Option Year 1, will be \$3,834,000 for the five (5) year period.
- 6.6.** ACTION ITEM - Authorize the VTA Board of Directors' Chairperson and the General Manager/CEO to submit application to DOTGOV (.gov) Domain Registration to request responsibility for a .gov website domain.
- 6.7.** ACTION ITEM - Authorize the General Manager/CEO to extend and execute on-call real estate services contracts for the firms listed in Attachment A of the staff report, for an additional term of two years and seven months, commencing on July 1, 2024 and ending on January 31, 2027.
- 6.8.** ACTION ITEM - Ratify the appointment of Sergio Alatorre to the Committee for Transportation Mobility and Accessibility.
- 6.9.** ACTION ITEM - Approve the Regular Meeting Minutes of August 3, 2023.
- 6.10.** INFORMATION ITEM - Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.
- 6.11.** INFORMATION ITEM - Receive SB 129 Joint Labor Management Committee Update.

7. REGULAR AGENDA (3 hours 15 mins 6:20 to 9:35 p.m.)

NOTE: AT 6:30 P.M. The Board will consider Item #7.4.

- 7.1. ACTION ITEM - 1) Direct staff to return to the VTA Board of Directors with the results of the Threat and Vulnerability Assessment and VTA Emergency Management Training Gap Analysis for review, feedback, and direction prior to authorizing Tetra Tech Inc.'s contractor activity on the balance of the Scope of Services; and 2) evaluate a "Train the Trainer" approach for ongoing training requirements covered under the existing contract with Tetra Tech Inc.

Staff Presentation: 7 minutes

Presenters: Jim Lawson, Chief External Affairs Officer and Aston Greene, Chief of System and Safety.

NEED MOTION/SECOND

- 7.2. ACTION ITEM - Approve the General Manager/CEO's spending authority in an amount not to exceed \$42,650,000 for utility relocations for VTA's BART Silicon Valley Phase II (BSV II) Extension Project; and to authorize General Manager/CEO to execute Notices to Owner to the following utility owners: PG&E, AT&T, Bandwidth, Comcast, Lumen, San Jose Water Company, Sprint (T-Mobile/Cogent), Verizon (MCI metro), and Zayo.

Staff Presentation: 7 minutes

Presenter: Gary Griggs, Chief BART SV Program Officer

NEED MOTION/SECOND

- 7.3. ~~**DEFERRED** Adopt a resolution, declaring 9 Santa Clara Valley Transportation Authority (VTA) Transit-Oriented Development (TOD) sites exempt under the California Surplus Land Act (SLA) as set forth in Attachment A of the staff report.~~

- 7.4. **(6:30 p.m. TIME CERTAIN)** ACTION ITEM - Authorize the General Manager/CEO (or her designee) to negotiate an agreement, based upon the most appropriate instrument, with the City of San José to locate Emergency Interim Housing (EIH) with a maximum occupancy of 200 persons, on property owned by the Santa Clara Valley Transportation Authority (VTA) at an appropriate location in San José, exclusive of worksite properties.

Further, direct staff to evaluate the provision of temporary overnight accommodation to support employee safety and report back to the Board.

We expect many public speakers.

Staff Presentation: 10 minutes

Presenter: Jim Lawson, Chief External Affairs Officer

NEED MOTION/SECOND

8. OTHER ITEMS

(10 mins; 9:35 to 9:45 p.m.)

8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Chavez's Referrals:

[Narcan
Contracts](#)

8.2. Announcements

8.3. Public Comment (Continued)

This portion of the meeting is reserved for persons who had requested but were not able to address the Board of Directors under Item #3 due to the time limit and for those individuals who would like to address the Board on agenda items under "Other Items." **Speakers are limited to 1 minute.** The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

9. CLOSED SESSION

(1 hour 30 mins; 9:30 to 11:15 p.m.)

9.1. Recess to Closed Session

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

Name of Case: Santa Clara Valley Transportation Authority v. Honco Investment Company, LLC, et al.
(Santa Clara County Superior Court Case No.: 21-CV-388966)

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

Property: 32 and 60 Stockton Avenue San Jose, CA 95126 (APNs 259-28-001 and 259-28-002)

Agency Negotiator

Ron Golem, Director of Real Estate & Transit-Oriented Development

Negotiating Parties

Nanci Klein, Director of Economic Development/Director of Real Estate, City of San Jose;

Chunhong Liu, Trustee of the Thang Do and Chunhong Liu Revocable Trust

Under Negotiation: Terms and conditions for purchase of real property

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

Name of Case: Lane, et al. v. Universal Protection Service, LP et al.
(Santa Clara County Superior Court Case No. 22CV398848)

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

Name of Case: Gil, et al. v. Universal Protection Service, LP et al.
(Santa Clara County Superior Court Case No. 22CV400206)

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

Name of Case: Worker's Compensation Claim by Sylvia Gil

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

Name of Case: Worker's Compensation Claim by John Courtney

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

Significant Exposure to Litigation: 1 case relating to a potential Unfair Labor Practices Claim, First Amendment, and/or Retaliation

9.2. Reconvene to Open Session

9.3. Closed Session Report

10. ADJOURN @ 11:15 PM
