

**From:** VTA Board Secretary

**Sent:** Monday, December 4, 2023 12:37 PM

**To:** VTA Board of Directors

**Subject:** VTA Information: Revised Agenda for the December 7, 2023 Board of Directors Agenda Packet

**Board of Directors:**

The Board of Directors Agenda has been revised to reflect the following:

- 1) add a note that Item 6.8 - 2016 Measure B FY2024/FY2025 Biennial Budget Modifications, requires 2/3 vote
- 2) re-order the Auditor General related items to:
  - a) Item #6.17, contract with Macias Gini & O'Connell for VTA Auditor General, Internal Audit, and Business Consultative Services
  - b) Item #6.18, Amendment of the FY 2024 and FY 2025 Auditor General Work Plans

The revised agenda is also attached to this email.

You may the revised Agenda Packet on our [agenda portal](#).

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)





## BOARD OF DIRECTORS MEETING

Thursday, December 7, 2023

5:30 PM

The Santa Clara Valley Transportation Authority (VTA) Board of Directors' will convene their Regular meeting at the County Government Center, Board of Supervisors Chambers, 70 W. Hedding Street, San Jose, California, 95110.

The meeting will be streamed through VTA's YouTube channel:

<https://www.youtube.com/watch?v=Y4qzIS-N8VQ> and

through Zoom: <https://us02web.zoom.us/j/88630687052>.

Call in: (one-tap): US +16692192599,,88630687052# or +16699009128,,88630687052#

Call #in: (telephone): US: +1 669 219 2599 or +1 669 900 9128 Webinar ID: 886 3068 7052

### **\*REVISED AGENDA\***

To help you better understand, follow, and participate in the meeting, the following information is provided:

- Persons wishing to address the Board of Directors on any item on the agenda or not on the agenda are encouraged to submit their written comments by 1:00 p.m. on December 7, 2023, to [board.secretary@vta.org](mailto:board.secretary@vta.org).
- Persons who wish to address the Board of Directors during the meeting are encouraged to visit VTA's website, [bit.ly/vta-board-agendas](http://bit.ly/vta-board-agendas) for instructions. Those who are attending in-person are requested to complete a speaker card located at the public information table and hand it to the Board Secretary staff prior to the meeting or before the item is heard. If presenting handout materials, please provide 25 copies to the Board Secretary for distribution to the Board of Directors.
- **Speakers are asked to limit their comments to 1 minute.** *The amount of time allocated to speakers may vary at the Chairperson's discretion depending on the number of speakers and length of the agenda.*
- The Consent Agenda items may be voted on in one motion at the beginning of the meeting. The Board may also move regular agenda items on the consent agenda during Orders of the Day. If you wish to address the Board on these items, please notify the Board Secretary staff or complete a speaker card prior to the meeting or prior to the consideration of the Consent Agenda.

*\*The Agenda was revised to reflect the following: 1) add a note that Item 6.8 - 2016 Measure B FY2024/FY2025 Biennial Budget Modifications, requires 2/3 vote; and 2) re-order the Auditor General related items to: a) Item #6.17, contract with Macias Gini & O'Connell for VTA Auditor General, Internal Audit, and Business Consultative Services and b) Item #6.18, Amendment of the FY 2024 and FY 2025 Auditor General Work Plans.*

Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

In accordance with Government Code Section 84308, no VTA Board Member shall accept, solicit, or direct a contribution of more than \$250 from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency. Any Board Member who has received a contribution within the preceding 12 months in an amount of more than \$250 from a party or from any agent or participant shall disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use his or her official position to influence the decision.

A party to a proceeding before VTA shall disclose on the record of the proceeding any contribution in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any Board Member. No party, or his or her agent, shall make a contribution of more than \$250 to any Board Member during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding. The foregoing statements are limited in their entirety by the provisions of Section 84308. Parties are urged to consult with their own legal counsel regarding the requirements of the law.

- All reports for items on the open meeting agenda are available for review in the Board Secretary's Office, 3331 North First Street, San Jose, California, (408) 321-5680, the Monday, Tuesday, and Wednesday prior to the meeting. This information is available on our website, [www.vta.org](http://www.vta.org), and also at the meeting. Any document distributed less than 72-hours prior to the meeting will also be made available to the public at the time of distribution. Copies of items provided by members of the public at the meeting will be made available following the meeting upon request.

In accordance with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964, VTA will make reasonable arrangements to ensure meaningful access to its meetings for persons who have disabilities and for persons with limited English proficiency who need translation and interpretation services. Individuals requiring ADA accommodation or language translation should notify the Board Secretary's Office at least 72-hours prior to the meeting. The Board Secretary's ✉ is [board.secretary@vta.org](mailto:board.secretary@vta.org) or ☎(408) 3321-5680 or (408) 321-2330 (TTY only). VTA's home page is [www.vta.org](http://www.vta.org); : [www.facebook.com/scvta](https://www.facebook.com/scvta). 中文 / Español / 日本語 / 한국어 / tiếng Việt / Tagalog.

**NOTE: THE BOARD OF DIRECTORS MAY ACCEPT, REJECT OR MODIFY  
ANY ACTION RECOMMENDED ON THIS AGENDA.**

Please use this link to access the December 7, 2023, VTA Board of Directors' Regular Meeting: <https://us02web.zoom.us/j/88630687052> or call: (669) 219-2599, enter Webinar ID 886 3068 7052.

The in-person location for this meeting is at the County Government Center, Board of Supervisors Chambers, 70 W. Hedding Street, San Jose, CA. This location is served by bus lines \*61, 62, 66, 181, and Light Rail. (\*61 Southbound last trip is at 8:55 p.m. for this location).

For trip planning information, contact our Customer Service Department at (408) 321-2300 between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule information is also available on our website, [www.vta.org](http://www.vta.org).

All reports for items on the open meeting agenda are available on the VTA website, [www.vta.org](http://www.vta.org) and at the in-person meeting location.

## 1. CALL TO ORDER AND ROLL CALL

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### 1.1. ROLL CALL

### 1.2. Orders of the Day

- 1.3. ACTION ITEM -Conduct separate elections to determine the Board's Chairperson and Vice Chairperson for calendar year 2024.

## 2. AWARDS AND COMMENDATION

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- 2.1. INFORMATION ITEM -Recognize the following retirees: Vannak Uong, Senior Financial Analyst, for 37 years of service; Anthony Royall, Bus Dispatcher, for 25 years of service; Jagdip Singh, Light Rail Foreperson, for 32 years of service; and Bryan McFarland, Electro-Mechanic, for 31 years of service.

## 3. PUBLIC COMMENT

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This portion of the meeting is reserved for persons desiring to address the Board of Directors on any item within the Board's jurisdiction **but not on the agenda**. Speakers are **limited to 1 minute**. *This section of the agenda is limited to no more than 30 minutes but could be extended at the discretion of the chairperson. Those who requested to speak but were unable to address the Board on Item #3 due to the time limit will have the opportunity to address the Board on the second public comment, under "Other Items".* 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.

## 4. PUBLIC HEARINGS

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- 4.1. ACTION ITEM -Close Hearing and adopt one (1) Resolution of Necessity determining that the public interest and necessity require the acquisition of real property interests on property located in the City of San José owned by Lenzen Square Community Partners, LP, for VTA's BART Silicon Valley Phase II Project.

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

B3318 (APN No.:261-03-054) owned by Lenzen Square Community Partners, LP.

**Note: Motion must be approved by at least 2/3 of the Board (8 members).**

## **5. REPORTS**

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- 5.1. Committee Reports**
  - 5.1.A. Citizens Advisory Committee (CAC) Chairperson’s Report. (Verbal Report) (Miller)**
  - 5.1.B. Policy Advisory Committee (PAC) Chairperson’s Report. (Verbal Report) (Rennie)**
  - 5.1.C. Standing Committee Chairpersons’ Report. (Verbal Report)**
  - 5.1.D. Policy Advisory Board Chairpersons’ Report. (Verbal Report)**
  - 5.1.E. VTA’s BART Silicon Valley Phase II Ad Hoc Steering Committee Chairperson’s Report. (Verbal Report)**
- 5.2. General Manager Report. (Verbal Report)**
  - 5.2.A. INFORMATION ITEM -Receive Government Affairs Update.**
- 5.3. Chairperson’s Report. (Verbal Report)**

## **6. CONSENT AGENDA**

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<b>ADMINISTRATION AND FINANCE (A&amp;F) COMMITTEE</b>
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- 6.1. ACTION ITEM -Review and accept the Fiscal Year 2024 Statement of Revenues and Expenses for the period ending September 30, 2023.**
- 6.2. ACTION ITEM -Authorize the General Manager/CEO to amend the Memorandum of Understanding (MOU) with Santa Cruz Metropolitan Transit District (METRO), San Joaquin Joint Powers Authority (SJPA), Capitol Corridor Joint Powers Authority (CCJPA) and Santa Clara Valley Transportation Authority (VTA), by extending the Highway 17 Consolidated Transit service agreement for one-year at a cost up to \$415,292 which includes service (\$410,292) and WiFi costs (\$5,000).**
- 6.3. ACTION ITEM -Authorize the General Manager/CEO to amend the agreement with Avalon for the Altamont Commuter Express (ACE) Shuttle Program, extending the agreement for one year at a cost of \$2,211,910 from January 1, 2024 through December 31, 2024 for a new total amount not to exceed \$17,031,812.**
- 6.4. ACTION ITEM -Authorize the General Manager/CEO to execute a contract amendment with Mark Thomas and Company, Inc. for the I-280/Winchester Boulevard Improvements Project (Project) to extend the contract term by an additional 12-months to December 31, 2024.**

- 6.5. ACTION ITEM -Authorize the General Manager/CEO to execute a contract with the lowest responsible bidder, Con-Quest Contractors, Inc., in the amount of \$7,699,950 for the construction of the Vasona Pedestrian Gates Project (Contract # C21135F).
- 6.6. ACTION ITEM -Authorize the General Manager/CEO to: 1) Amend Contract S16250 in the amount of \$6,000,000 with BKF Engineers (BKF) to provide Design Support during Construction (DSDC) for the Eastridge to BART Regional Connector (EBRC) project (Project), resulting in a new contract amount of \$36,117,983; 2) extend the contract term to September 30, 2029; and 3) use the new contract value to calculate the General Manager's amendment authority under Administrative Code Section 9.2(h).
- 6.7. INFORMATION ITEM -Receive an update on the Branham Transit Oriented Development Project.

<b>CONGESTION MANAGEMENT PROGRAM &amp; PLANNING (CMPP) COMMITTEE</b>
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- 6.8. ACTION ITEM -A) Augment the 2016 Measure B Program in the Adopted Fiscal Years 2024 and 2025 Biennial Budget by \$25.5 million with allocations for the Highway Interchanges and SR85 Corridor Program Categories, and B) Approve shifting \$600,000 from right of way phase to environmental phase for the US 101/SR 25 Santa Teresa Boulevard Extension Project.

**Note: Motion must be approved by at least 2/3 of the Board (8 members).**

- 6.9. ACTION ITEM -Shift the previously awarded amount of \$1,734,250 in 2016 Measure B Bicycle & Pedestrian Capital Project funds from the design phase of the Winchester Boulevard Complete Streets project to the construction phase of the Kennedy Road Sidewalk and Class II Bike Lanes project, both in the Town of Los Gatos.
- 6.10. ACTION ITEM -Authorize the General Manager/CEO to execute the necessary separate funding agreements and amendments with the Peninsula Corridor Joint Powers Board to deliver 2016 Measure B Caltrain Corridor Capacity Program Category-eligible projects supporting Caltrain's Fiscal Years 2024 and 2025 Capital Budgets.
- 6.11. ACTION ITEM -Adopt the 2020/2021 Congestion Management Program Monitoring and Conformance Report.
- 6.12. INFORMATION ITEM -Receive the Programmed Projects Quarterly Monitoring Report for July to September 2023.
- 6.13. INFORMATION ITEM -Receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2023.
- 6.14. INFORMATION ITEM -Receive the Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending June 30, 2023.

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<b>SAFETY, SECURITY, AND TRANSIT PLANNING &amp; OPERATIONS (SSTP&amp;O) COMMITTEE</b>
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*The Safety, Security, and Transit Planning & Operations Committee did not meet.*

<b>GOVERNANCE AND AUDIT COMMITTEE</b>
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- 6.15.** ACTION ITEM -Review and receive the audited Annual Comprehensive Financial Report (ACFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for Amalgamated Transit Union (ATU) Pension Plan, and Retirees' Other Post Employment Benefits (OPEB) Trust (both referred to as Trusts) for Fiscal Year 2023.
  
- 6.16.** ACTION ITEM -Approve the reappointment to the 2016 Measure B Citizens' Oversight Committee for the term ending December 31, 2027, of:
  - Rose Herrera
  - Christine Pfendt
  - Ed Von Runnen
  
- 6.17.** ACTION ITEM - Amend the task order contract with Macias Gini & O'Connell LLP for VTA Auditor General, internal audit, and business consultative services to provide services supporting the newly established VTA BART Silicon Valley Phase II Ad Hoc Steering Committee.
  
- 6.18.** ACTION ITEM - Amend the FY 2024 and FY 2025 Auditor General Work Plans to provide services supporting the newly established VTA BART Silicon Valley Phase II Ad Hoc Steering Committee.

<b>BOARD OF DIRECTORS</b>
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- 6.19.** ACTION ITEM -Approve the VTA Board of Directors Meeting Schedule for calendar year 2024.
  
- 6.20.** ACTION ITEM -Approve the VTA Board of Directors Workshop Meeting Minutes for October 20, 2023.
  
- 6.21.** ACTION ITEM -Approve the VTA Board of Directors Regular Meeting Minutes for November 2, 2023.
  
- 6.22.** INFORMATION ITEM -Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.
  
- 6.23.** INFORMATION ITEM -Receive SB 129 Joint Labor Management Committee Update. (Verbal Report)

## **7. REGULAR AGENDA**

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### **ADMINISTRATION AND FINANCE (A&F) COMMITTEE**

*There were no items submitted for the Regular Agenda from the Administration and Finance Committee.*

### **CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE**

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

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

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

### **GOVERNANCE AND AUDIT COMMITTEE**

*There were no items submitted for the Regular Agenda from the Governance & Audit Committee.*

### **BOARD OF DIRECTORS**

- 7.1.** INFORMATION ITEM -Receive a report on the FY 2023 Year End Financial status of VTA.
- 7.2.** INFORMATION ITEM -Receive Silicon Valley Rapid Transit (SVRT) Program Update. (Verbal Report)

## **8. OTHER ITEMS**

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### **8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

- Receive updates on the following referrals: a) Narcan; b) procurement; c) respite locations. (*Deferred from the November 2, 2023, meeting*)

### **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**

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**9.1. Recess to Closed Session**

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

Property: Portions of Santa Teresa Park n Ride Lot and potentially Cottle Park n Ride lot

Agency Negotiators:

Ron Golem, Director, Real Estate & Transit-Oriented Development  
Kathy Bradley, Manager, Real Estate & Project Administration  
Yasmin Rodriguez, Associate Real Estate Agent

Negotiating Parties:

Anthony Curry, Senior Manager, Corporate Real Estate, Kaiser Permanente  
Lee Ann Knight, Senior Project Manager, NFS Capital Projects, Kaiser Permanente  
Karla Rodriguez Lomax, Director of Public Affairs, Kaiser Permanente

Under Negotiation: Price and terms of payment for a parking license agreement

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

Property: Portions of Cottle Park n Ride Lot

Agency Negotiators:

Ron Golem, Director, Real Estate & Transit-Oriented Development  
Kathy Bradley, Manager, Real Estate & Project Administration  
Yasmin Rodriguez, Associate Real Estate Agent

Negotiating Parties:

Jeff Russell, Vice President Healthcare, Rudolph & Sletten, Inc. (aka R&S)

Under Negotiation: Price and terms of payment for a parking license agreement

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

Property: Portion of Branham Station Park-and-Ride, located northwest of the intersection of Branham Lane and Narvaez Avenue, also known as (APNs) 462-02-022, 024, 026, 027, 028.

Agency Negotiators:

Ron Golem, Director, Real Estate & Transit-Oriented Development  
Jessie O'Malley Solis, Transit-Oriented Development Program Manager  
Christina Gotuaco, Transit-Oriented Development Senior Project Manager.

Negotiating Parties:

Mark Mikl, Executive Director, Charities Housing Development Corporation of Santa Clara County (Charities Housing)  
Kathy Robinson, Director of Housing Development, Charities Housing.

Under Negotiation: Price and terms of payment of Lease Option Agreement and Ground Lease for development of 100% affordable homeownership housing at Branham Station

**9.2. Reconvene to Open Session**

**9.3. Closed Session Report**

**10. ADJOURN**

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**From:** VTA Board Secretary  
**Sent:** Tuesday, December 5, 2023 10:18 AM  
**To:** VTA Board of Directors  
**Cc:** VTA Board Secretary  
**Subject:** VTA Information: Ridership for October 2023

**VTA Board of Directors:**

Attached is a memorandum from Derik Calhoun, Chief Operating Officer, regarding VTA ridership for October 2023.

Thank you.

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 N. First Street  
San Jose, CA 95134  
408.321.5680  
[board.secretary@vta.org](mailto:board.secretary@vta.org)



Date: November 29, 2023  
Current Meeting: NA  
Board Meeting: December 7, 2023

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
Board of Directors

**THROUGH:** Carolyn Gonot, General Manager/CEO

**FROM:** Derik Calhoun, Chief Operating Officer

**SUBJECT:** VTA Ridership – October 2023

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Policy-Related Action: NA

Government Code Section 84308 Applies: No

## INFORMATION ITEM

### **EXECUTIVE SUMMARY:**

To present the bus and light rail ridership performance of the Santa Clara Valley Transportation Authority.

### **STRATEGIC PLAN/GOALS:**

The report is an information item only.

### **BACKGROUND:**

This report is routinely produced after each month. This report is for the month of October 2023.

### **CLIMATE IMPACT:**

The report is an information item and will have no impact on climate change.

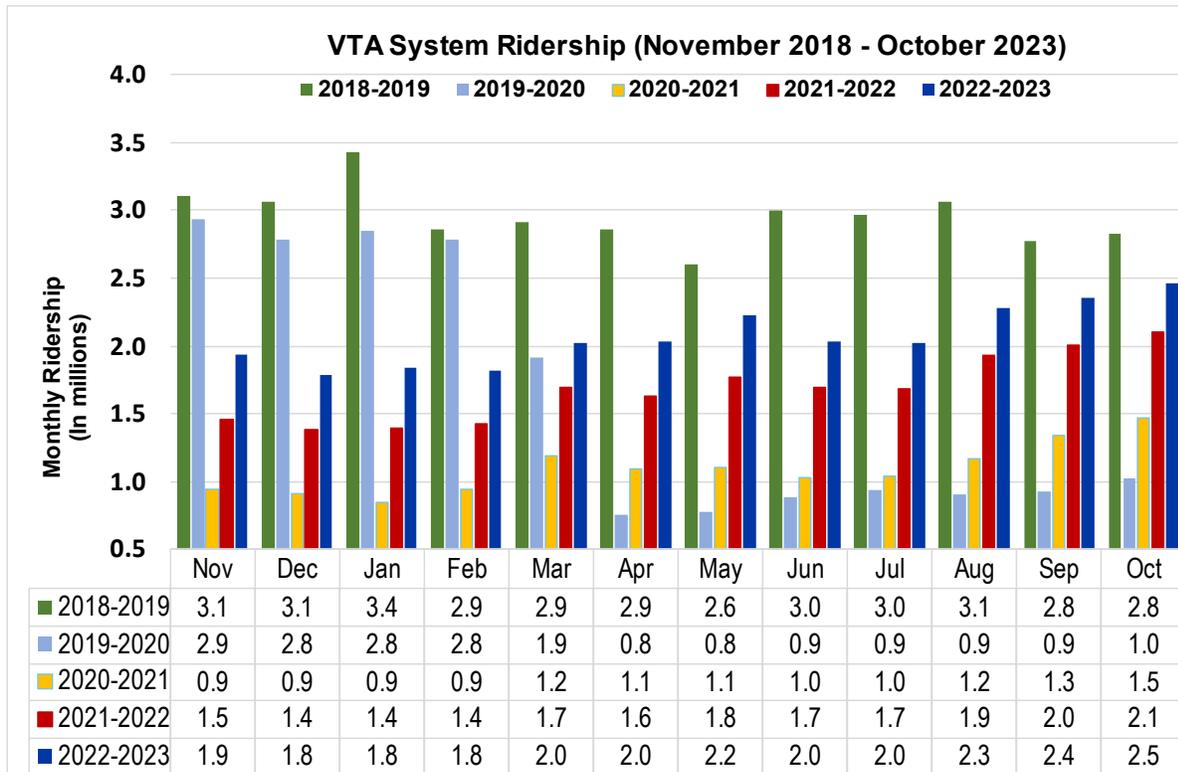
### **DISCUSSION:**

October 2023 total monthly system ridership was 2,462,105, an increase of 17% over October 2022. The total monthly bus ridership was 2,025,984, an increase of 17.3% over October 2022. Bus ridership is typically more than 80% of the total ridership. The total monthly light rail ridership in October 2023 was 436,121, an increase of 15.8% over October 2022. October 2023 monthly system ridership increased by 4.7% compared to September 2023. The system ridership (bus and light rail) in the calendar year through October 2023 is about 29% less compared to a similar period prior to the pandemic.

Levi's Events: There were three San Francisco 49er games at Levi's stadium in October 2023. The average ridership from the three games was recorded at about 16,450 riders.

Ridership	Oct-23	Compared to:				CYTD				
		Oct-22	Percent change	Sep-23	Percent change	Current 2023	Prior 2022	Percent change	Pre-Pandemic 2019	Percent change
						Jan-Oct	Jan-Oct		Jan-Oct	
Bus	2,025,984	1,727,078	17.3%	1,954,195	3.7%	17,348,153	14,421,622	20.3%	22,574,546	-23.2%
Light Rail	436,121	376,680	15.8%	396,501	10.0%	3,735,570	2,877,620	29.8%	6,989,429	-46.6%
System	2,462,105	2,103,758	17.0%	2,350,696	4.7%	21,083,723	17,299,242	21.9%	29,563,975	-28.7%

The system ridership (Bus and light rail) in millions from November 2018 through October 2023 is presented in the chart below:



Note: Pre-pandemic data reflected in the chart for the months of November 2018 through February 2020 and a few days in March 2020. Mid-March 2020 onwards had impacts from COVID-19.

The boardings per total hour and boardings per revenue hour for bus and rail for October 2023 are shown in the table below:

	Boardings per Total hour <sup>1</sup>			Boardings per Revenue hour <sup>2</sup>		
	October 2023	October 2022	Percent Change	October 2023	October 2022	Percent Change
Bus	17.0	15.3	11.3%	18.1	16.3	11.3%
Light Rail	32.0	33.1	-3.3%	34.1	35.3	-3.4%

Total hours – Includes revenue hours and deadhead hours (hours that a vehicle travels when out of revenue service). <sup>2</sup> Revenue hours - Scheduled hours of service available to passengers for transport on the routes. Includes recovery/layover time.  
 Note: Service hours increased significantly for Light Rail in reporting period causing a decrease in Boardings per hour (both total and revenue).

**From:** VTA Board Secretary

**Sent:** Thursday, December 7, 2023 9:13 AM

**To:** VTA Board of Directors

**Subject:** VTA Information: 1st Update to the December 7, 2023 Board of Directors Agenda Packet

**Board of Directors:**

The Board of Directors Agenda Packet has been updated with additional information on the following:

- **Agenda Item #5.1:** Committee Reports (written reports for A&F and CMPP)
- **Agenda Item #5.2:** General Manager Report (presentation, safety and security stats, ridership stats)
- **Agenda Item #5.3:** Chairperson's Report (presentation)
- **Agenda Item #6.23:** SB 129 Joint Labor Management Committee Update (written report)
- **Agenda Item #7.1:** FY 2023 Year End Financial Status (memo and attachments deleted, presentation added)
- **Agenda Item #7.2:** Silicon Valley Rapid Transit (SVRT) Program Update (presentation)

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

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)



**From:** VTA Board Secretary

**Sent:** Thursday, December 7, 2023 1:54 PM

**To:** VTA Board of Directors

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

**Board of Directors:**

The Board of Directors Agenda Packet has been updated with additional information on the following:

- **Agenda Item #5.1:** Committee Reports (Diridon)
- **Agenda Item #5.2.A:** Government Affairs Report (written report)
- **Agenda Item #6.22:** Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions (Caltrain report)

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

Also, attached you will find the timed agenda for tonight's meeting.

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)



## BOARD OF DIRECTORS MEETING

Thursday, December 7, 2023

5:30 PM

**ESTIMATED TIMES:**

**5:30 PM - START MEETING**

**8:48 PM - ADJOURN**

### 1. CALL TO ORDER AND ROLL CALL *(15 mins - 5:30 to 5:45)*

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#### 1.1. ROLL CALL

#### 1.2. Orders of the Day

- 1.3. ACTION ITEM -Conduct separate elections to determine the Board's Chairperson and Vice Chairperson for calendar year 2024.

Separate elections for chair and vice chair.

2024 Board Chair will be selected from the Santa Clara County City Group. Nominations from the floor are accepted. Nominations do not require a second.

Cindy Chavez letter of interest in the [packet](#).

#### **NEED MOTION/SECOND**

2024 Board Vice Chair will be selected from Groups 2-5. Nominations from the floor are accepted. Nominations do not require a second.

Sergio Lopez letter of interest in the [packet](#).

Endorsement letters are [here](#).

#### **NEED MOTION/SECOND**

### 2. AWARDS AND COMMENDATION *(3 mins - 5:45 to 5:48)*

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- 2.1. INFORMATION ITEM -Recognize the following retirees: Vannak Uong, Senior Financial Analyst, for 37 years of service; Anthony Royall, Bus Dispatcher, for 25 years of service; Jagdip Singh, Light Rail Foreperson, for 32 years of service; and Bryan McFarland, Electro-Mechanic, for 31 years of service.

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### 3. PUBLIC COMMENT

*(15 mins - 5:48 to 6:03)*

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.

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### 4. PUBLIC HEARINGS

*(15 mins - 6:03 to 6:18)*

**4.1. ACTION ITEM** -Close Hearing and adopt one (1) Resolution of Necessity determining that the public interest and necessity require the acquisition of real property interests on property located in the City of San José owned by Lenzen Square Community Partners, LP, for VTA's BART Silicon Valley Phase II Project.

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

B3318 (APN No.:261-03-054) owned by Lenzen Square Community Partners, LP.

Staff Presentation: 10 minutes

Presenters: Ron Golem, Director of Real Estate & Transit Oriented Development, and Kathy Bradley, Manager, Real Estate & Project Administration

Property owners have 5 minutes to speak; regular public has 1 minute to speak.

**NEED MOTION/SECOND.** Maker of Motion must read the property ID # into the record.

**NEED 2/3 VOTE OR 8 AFFIRMATIVE VOTES**

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### 5. REPORTS

*(30 mins - 6:18 to 6:58)*

#### 5.1. Committee Reports

- 5.1.A.** Citizens Advisory Committee (CAC) Chairperson's Report. (Verbal Report) (Miller)

Howard Miller will provide the report.

- 5.1.B.** Policy Advisory Committee (PAC) Chairperson's Report. (Verbal Report) (Rennie)

Rob Rennie will provide the report.

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](#).

5.1.E. VTA's BART Silicon Valley Phase II Ad Hoc Steering Committee Chairperson's Report. (Verbal Report)

Pat Burt will provide the report.

5.2. General Manager Report. (Verbal Report)

Slides Available [online](#)

Security [online](#)

Preliminary Ridership [online](#)

5.2.A. INFORMATION ITEM - Receive Government Affairs Update. [online](#)

5.3. Chairperson's Report. (Verbal Report)

## 6. CONSENT AGENDA

*(10 mins - 6:48 to 6:58)*

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<b>ADMINISTRATION AND FINANCE (A&amp;F) COMMITTEE</b>
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6.1. ACTION ITEM -Review and accept the Fiscal Year 2024 Statement of Revenues and Expenses for the period ending September 30, 2023.

6.2. ACTION ITEM -Authorize the General Manager/CEO to amend the Memorandum of Understanding (MOU) with Santa Cruz Metropolitan Transit District (METRO), San Joaquin Joint Powers Authority (SJJPA), Capitol Corridor Joint Powers Authority (CCJPA) and Santa Clara Valley Transportation Authority (VTA), by extending the Highway 17 Consolidated Transit service agreement for one-year at a cost up to \$415,292 which includes service (\$410,292) and WiFi costs (\$5,000).

6.3. ACTION ITEM -Authorize the General Manager/CEO to amend the agreement with Avalon for the Altamont Commuter Express (ACE) Shuttle Program, extending the agreement for one year at a cost of \$2,211,910 from January 1, 2024 through December 31, 2024 for a new total amount not to exceed \$17,031,812.

6.4. ACTION ITEM -Authorize the General Manager/CEO to execute a contract amendment with Mark Thomas and Company, Inc. for the I-280/Winchester Boulevard Improvements Project (Project) to extend the contract term by an additional 12-months to December 31, 2024.

- 6.5.** ACTION ITEM -Authorize the General Manager/CEO to execute a contract with the lowest responsible bidder, Con-Quest Contractors, Inc., in the amount of \$7,699,950 for the construction of the Vasona Pedestrian Gates Project (Contract # C21135F).
- 6.6.** ACTION ITEM -Authorize the General Manager/CEO to: 1) Amend Contract S16250 in the amount of \$6,000,000 with BKF Engineers (BKF) to provide Design Support during Construction (DSDC) for the Eastridge to BART Regional Connector (EBRC) project (Project), resulting in a new contract amount of \$36,117,983; 2) extend the contract term to September 30, 2029; and 3) use the new contract value to calculate the General Manager's amendment authority under Administrative Code Section 9.2(h).
- 6.7.** INFORMATION ITEM -Receive an update on the Branham Transit Oriented Development Project.

<b>CONGESTION MANAGEMENT PROGRAM &amp; PLANNING (CMPP) COMMITTEE</b>
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- 6.8.** ACTION ITEM -A) Augment the 2016 Measure B Program in the Adopted Fiscal Years 2024 and 2025 Biennial Budget by \$25.5 million with allocations for the Highway Interchanges and SR85 Corridor Program Categories, and B) Approve shifting \$600,000 from right of way phase to environmental phase for the US 101/SR 25 Santa Teresa Boulevard Extension Project.

Note: Motion must be approved by at least 2/3 of the Board (8 members).

- 6.9.** ACTION ITEM -Shift the previously awarded amount of \$1,734,250 in 2016 Measure B Bicycle & Pedestrian Capital Project funds from the design phase of the Winchester Boulevard Complete Streets project to the construction phase of the Kennedy Road Sidewalk and Class II Bike Lanes project, both in the Town of Los Gatos.
- 6.10.** ACTION ITEM -Authorize the General Manager/CEO to execute the necessary separate funding agreements and amendments with the Peninsula Corridor Joint Powers Board to deliver 2016 Measure B Caltrain Corridor Capacity Program Category-eligible projects supporting Caltrain's Fiscal Years 2024 and 2025 Capital Budgets.
- 6.11.** ACTION ITEM -Adopt the 2020/2021 Congestion Management Program Monitoring and Conformance Report.
- 6.12.** INFORMATION ITEM -Receive the Programmed Projects Quarterly Monitoring Report for July to September 2023.
- 6.13.** INFORMATION ITEM -Receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2023.

- 6.14. INFORMATION ITEM** -Receive the Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending June 30, 2023.

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

*The Safety, Security, and Transit Planning & Operations Committee did not meet.*

**GOVERNANCE AND AUDIT COMMITTEE**

- 6.15. ACTION ITEM** -Review and receive the audited Annual Comprehensive Financial Report (ACFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for Amalgamated Transit Union (ATU) Pension Plan, and Retirees' Other Post Employment Benefits (OPEB) Trust (both referred to as Trusts) for Fiscal Year 2023.
- 6.16. ACTION ITEM** -Approve the reappointment to the 2016 Measure B Citizens' Oversight Committee for the term ending December 31, 2027, of:
- Rose Herrera
  - Christine Pfendt
  - Ed Von Runnen
- 6.17. ACTION ITEM** - Amend the task order contract with Macias Gini & O'Connell LLP for VTA Auditor General, internal audit, and business consultative services to provide services supporting the newly established VTA BART Silicon Valley Phase II Ad Hoc Steering Committee.
- 6.18. ACTION ITEM** - Amend the FY 2024 and FY 2025 Auditor General Work Plans to provide services supporting the newly established VTA BART Silicon Valley Phase II Ad Hoc Steering Committee.

**BOARD OF DIRECTORS**

- 6.19. ACTION ITEM** -Approve the VTA Board of Directors Meeting Schedule for calendar year 2024.
- 6.20. ACTION ITEM** -Approve the VTA Board of Directors Workshop Meeting Minutes for October 20, 2023.
- 6.21. ACTION ITEM** -Approve the VTA Board of Directors Regular Meeting Minutes for December 7, 2023.
- 6.22. INFORMATION ITEM** -Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.
- 6.23. INFORMATION ITEM** -Receive SB 129 Joint Labor Management Committee Update. (Verbal Report)

**7. REGULAR AGENDA**

*(1 hour - 6:58 to 7:58)*

- 7.1. INFORMATION ITEM -Receive a report on the FY 2023 Year End Financial status of VTA.

Staff Presentation: 15 minutes

Presenter: Greg Richardson, Assistant General Manager & CFO

**INFORMATION ITEM ONLY, no motion needed.**

- 7.2 INFORMATION ITEM -Receive Silicon Valley Rapid Transit (SVRT) Program Update. (Verbal Report)

Staff Presentation: 10 minutes

Presenter: Tom Maguire, Chief Capital Megaprojects Delivery Officer

**INFORMATION ITEM ONLY, no motion needed.**

**8. OTHER ITEMS**

*(20 mins - 7:58 to 8:18)*

- 8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Verbal Update on referrals: Narcan, Procurement, and Respite Locations

- 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.

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**9. CLOSED SESSION**

*(30 mins - 8:18 to 8:48)*

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*Closed Session will be held at Room 157*

**9.1. RECESS TO CLOSED SESSION**

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

Property: Portions of Santa Teresa Park n Ride Lot and potentially  
Cottle Park n Ride lot

Agency Negotiators:

Ron Golem, Director, Real Estate & Transit-Oriented Development  
Kathy Bradley, Manager, Real Estate & Project Administration  
Yasmin Rodriguez, Associate Real Estate Agent

Negotiating Parties:

Anthony Curry, Senior Manager, Corporate Real Estate, Kaiser  
Permanente  
Lee Ann Knight, Senior Project Manager, NFS Capital Projects, Kaiser  
Permanente  
Karla Rodriguez Lomax, Director of Public Affairs, Kaiser Permanente

Under Negotiation: Price and terms of payment for a parking license  
agreement

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

Property: Portions of Cottle Park n Ride Lot

Agency Negotiators:

Ron Golem, Director, Real Estate & Transit-Oriented Development  
Kathy Bradley, Manager, Real Estate & Project Administration  
Yasmin Rodriguez, Associate Real Estate Agent

Negotiating Parties:

Jeff Russell, Vice President Healthcare, Rudolph & Sletten, Inc. (aka  
R&S)

Under Negotiation: Price and terms of payment for a parking license  
agreement

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

Property: Portion of Branham Station Park-and-Ride, located northwest of the intersection of Branham Lane and Narvaez Avenue, also known as (APNs) 462-02-022, 024, 026, 027, 028.

Agency Negotiators:

Ron Golem, Director, Real Estate & Transit-Oriented Development  
Jessie O'Malley Solis, Transit-Oriented Development Program Manager  
Christina Gotuaco, Transit-Oriented Development Senior Project Manager.

Negotiating Parties:

Mark Mikl, Executive Director, Charities Housing Development Corporation of Santa Clara County (Charities Housing)  
Kathy Robinson, Director of Housing Development, Charities Housing.

Under Negotiation: Price and terms of payment of Lease Option Agreement and Ground Lease for development of 100% affordable homeownership housing at Branham Station

**9.2. Reconvene to Open Session**

**9.3. Closed Session Report**

**10. ADJOURN (@8:48 p.m.)**

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