



**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, May 12, 2022

REGULAR MEETING
9:30 a.m.

WATCH LIVE ON SFGOVTV: www.sfgovtv.org/tjpa

PUBLIC COMMENT CALL-IN: 1-855-282-6330 -- Access Code: 2557 527 0965

Due to the COVID-19 health emergency, the Board's Meeting Room
in City Hall is closed for non-Chartered Boards.

Members of the public are encouraged to participate remotely.

Please see additional information on the next page for remote meeting access.

In compliance with the Assembly Bill ("AB") 361 (Rivas, Chapter 165, Statutes of 2021) and its amendments to California Public Resources Code Section 54953(e), this meeting will be held *exclusively* via teleconference participation of a quorum of Board members in locations not open to the public. This meeting is being held during a proclaimed state of emergency, and state and local officials have imposed or recommended measures to promote social distancing, while allowing the public to observe and address the Board.

BOARD OF DIRECTORS

Jeff Gee, Chair
Rafael Mandelman, Vice Chair
Elaine Forbes
Alicia John-Baptiste
Boris Lipkin
Diane Shaw
Jeffrey Tumlin
Dina El-Tawansy (*ex-officio*)

Executive Director
Adam Van de Water

Interim Secretary
Donald Pollitt II

9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chair Gee called the meeting to order at 9:32 a.m.

2. Roll Call

Interim Secretary Pollitt announced that David Ambuehl was joining as Director El-Tawansy's alternate, Gwyneth Borden was joining as Director Tumlin's alternate, and Tilly Chang was joining as Vice Chair Mandelman's alternate.

Present: David Ambuehl
Gwyneth Borden
Tilly Chang
Elaine Forbes
Alicia John-Baptiste
Boris Lipkin
Diane Shaw
Jeff Gee

Absent: Dina El-Tawansy
Rafael Mandelman
Jeffery Tumlin

3. Communications

Interim Secretary Pollitt provided instructions on the Public Call-in/Comment process.

4. Board of Director's New and Old Business

Director Lipkin announced that the California High Speed Rail Authority Directors approved the Final Environmental document for the San Jose to Merced section at their April Board meeting.

5. Executive Director's Report

- Facility Operations Update
- Security Operations Quarterly Report

Executive Director (ED) Van de Water presented the ED Report.

Jen Norris, TJPA Facility Director, presented the Facility Operations Update.

Rodney Harris, TJPA Chief of Security, presented the Security Operations Quarterly Report.

6. Citizens Advisory Committee Update

Brian Larkin, TJPA Citizens Advisory Committee Chair, presented the Update.

7. Public Comment

Members of the public may address the Authority on matters that are within the Authority's jurisdiction and are not on today's calendar.

Jim Patrick commented on the legal cases listed for discussion in closed session and stated that the approval of budget for legal counsel is in the wrong order.

THE FOLLOWING MATTERS BEFORE THE TRANSBAY JOINT POWERS AUTHORITY ARE RECOMMENDED FOR ACTION AS STATED BY THE EXECUTIVE DIRECTOR OR THE CHAIR.

CONSENT CALENDAR

8. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Transbay Joint Powers Authority, and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(8.1) Approving the Minutes of the April 14, 2022 meeting.

(8.2) Approving the continued use of teleconferencing technologies for meetings of the legislative bodies of the TJPA pursuant to the provisions of Assembly Bill 361.

RESOLUTION 22-020

(8.3) Authorizing the Executive Director to execute a first amendment to the lease agreement with Ugochukwu Ihenacho and Carlynn Ihenacho, dba Charleys Philly Steaks, a California corporation, for commercial/retail space on the first floor of the transit center (Suite 139), consistent with the previously adopted Retail/Commercial Leasing Strategy to Address COVID-19 Impacts to tenancies.

RESOLUTION 22-021

(8.4) Approving the Operating Assistance Proposal dated May 2, 2022, and an Implementing Agency Resolution for the allocation of Regional Measure 2 Funds in an amount not to exceed \$8,767,504.

RESOLUTION 22-022

No public comment.

On the motion to approve the Consent Calendar:

ADOPTED: AYES – Borden, Chang, Forbes, John-Baptiste, Lipkin, Shaw and Gee

REGULAR CALENDAR

9. Presentation of and Public Hearing for draft budgets for Fiscal Year 2022-2023 (FY 22-23) Operating Budget in the amount of \$31,769,000 and FY 22-23 Capital Budget for Phase 1, Phase 2, and Tenant Improvements in an amount of \$116,507,000 and FY 22-23 Debt Service Budget in the amount of \$28,188,431.

Oscar Quintanilla, TJPA Budget & Procurement Director, presented the item.

No public comment.

10. San Francisco Peninsula Rail Program Executive Steering Committee Update.

Tilly Chang, Executive Director of the San Francisco County Transportation Authority and ESC Vice Chair, presented the update and ED Van de Water introduced Alfonso Rodriguez, TJPA Project Director, who provided an update of the Accelerated Work Plan status and schedule for future items to be brought to the Board.

11. Approving the Appointment of Nila Gonzales as TJPA Board Secretary.

Deborah Miller, TJPA counsel, presented the item.

Public comment:

Roland Lebrun welcomed Nila Gonzales back to the role of Board Secretary.

RESOLUTION 22-023

On the motion to approve:

ADOPTED: AYES – Borden, Chang, Forbes, John-Baptiste, Lipkin, Shaw and Gee

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

There was no member of the public who indicated that they would like to comment on the items scheduled for discussion in closed session.

CLOSED SESSION

12. Call to Order

Chair Gee called the Closed Session to order at 10:52 a.m.

13. Roll Call

Present: David Ambuehl
Gwyneth Borden
Tilly Chang

Elaine Forbes
Alicia John-Baptiste
Boris Lipkin
Diane Shaw
Jeff Gee

Absent: Dina El-Tawansy
Rafael Mandelman
Jeffery Tumlin

14. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Gov. Code Section 54956.9)

Name of case: *Webcor/Obayashi Joint Venture v. Transbay Joint Powers Authority*, San Francisco County Superior Court, Case No. CGC-18-570621

Name of case: *Skanska USA Civil West California District, Inc. v. Webcor Builders/Obayashi Corp., A Joint Venture, et al.*, San Francisco County Superior Court Case No. CGC-18-566431 (consolidated under Case No. CGC-18-570621)

Name of case: *Pacific Structures v. Shimmick Construction Company et al.*, San Francisco County Superior Court, Case No. CGC-18-564434 (consolidated under Case No. CGC-18-570621)

Name of case: *Desert Mechanical v. WOJV et al.*, San Francisco County Superior Court, Case No. CGC-19-573549 (consolidated under Case No. CGC-18-570621)

Name of case: *Bratton Masonry, Inc. v. Skanska USA Building, et al.*, San Francisco County Superior Court, Case No. CGC-19-575545 (consolidated under Case No. CGC-18-570621)

Name of case: *Giampolini & Co. v. Skanska USA Building, Inc., et al.*, San Francisco County Superior Court, Case No. CGC-19-578447 (consolidated under Case No. CGC-18-570621)

Name of case: *Red Top Electric Co. Emeryville, Inc. v. Fisk Electric Company, et al.*, San Francisco County Superior Court, Case No. CGC-20-584464 (pending consolidation with Case No. CGC-18-570621)

Name of case: *Fisk Electric Company v. WO*, United States District Court, Northern District of California, Case No. 3:18-cv-07671

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 11:32 a.m.

15. Announcement of Closed Session.

Deborah Miller, TJPA Legal Counsel, announced that there was no action to report.

16. Authorizing the Executive Director to execute an amendment to the Professional Services Agreement with the law firm Seyfarth Shaw, LLP to provide legal services related to Phase 1 construction close-out, increasing the total amount of the contract by \$4,000,000 for a not-to-exceed amount of \$8,400,000, and making an associated amendment to the FY21-22 Capital Budget for Phase 1 and transfer of Program Reserves.

Dennis Turchon, TJPA Senior Construction Manager, presented the item.

No public comment.

RESOLUTION 22-024

On the motion to approve:

ADOPTED: AYES – Borden, Chang, Forbes, John-Baptiste, Lipkin, Shaw and Gee

ADJOURN – Chair Gee adjourned the meeting at 11:35 a.m.

A recording of the meeting is on file in the office of the Secretary to the Transbay Joint Powers Authority Board of Directors.

Nila Gonzales
Board Secretary

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [Campaign and Gov't Conduct Code, Article II, Chapter 1, § 2.100, et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3124 and web site: www.sfethics.org.