

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, September 14, 2023

1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA

REGULAR MEETING

9:30 a.m.

BOARD OF DIRECTORS

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

Executive Director
Adam Van de Water

Secretary
Nila Gonzales

TJPA Office
425 Mission Street, Suite 250
San Francisco, California 94105
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9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Vice Chair Mandelman called the meeting to order at 9:35 a.m.

2. Roll Call

Assistant Board Secretary Bonner announced that Director John-Baptiste and Chair Gee were absent due to scheduling conflicts and thanked Vice Chair Mandelman for presiding over the meeting. Also, she welcomed newly appointed San Francisco Municipal Transportation Agency alternate, Director Jonathan Rewers, who was sitting in as Director Tumlin's alternate.

Present: Dina El-Tawansy
Elaine Forbes
Boris Lipkin
Jonathan Rewers
Sarah Syed
Rafael Mandelman

Absent: Alicia John-Baptiste
Jeffrey Tumlin
Jeff Gee

3. Communications

Assistant Board Secretary Bonner provided instructions on the Public Call-in/Comment process.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Facility Operations Update

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

R.E. Walsh, TJPA Facility Director, presented the Facility Operations Update.

Director Syed shared that AC Transit is currently conducting a Realign Study which, through ridership analysis, evaluates historic and current service changes. She explained that the published report shows a summary of overall ridership and individual service lines, including higher productivity on Transbay service lines from 2019. Additionally, Director Syed reported that the redesigned fleet of commuter coaches has received a positive response from the community, especially on the school service lines.

6. Citizens Advisory Committee (CAC) Update

Brian Larkin, CAC 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, Patrick & Co., suggested the Project Labor Agreement (PLA) policy should be re-evaluated.

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 August 10, 2023 meeting.

(8.2) Authorizing the Executive Director to execute an amendment to the Master Services Agreement with Everbridge, Inc. for Mass Notification System software services for additional compensation of up to \$451,500 over three years.

RESOLUTION 23-042

(8.3) Authorizing the Executive Director to execute a third amendment to the lease agreement with Venga, Inc. (dba Venga Empanadas) for commercial/retail space in suite 123 on the first floor of the transit center.

RESOLUTION 23-043

(8.4) Authorizing the Executive Director to execute second amendments to the lease agreements with Dim Baos, Inc., a California corporation, for two commercial/retail spaces (Suite 125 and 129) (“Dim Baos restaurant”) and (Suite 119) (“Juice Bar”) on the first floor of the transit center.

RESOLUTION 23-044

No public comment.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Forbes, Lipkin, Rewers, Syed and Mandelman
ABSENT – John-Baptiste, Tumlin and Gee

REGULAR CALENDAR

9. Approving the recommended applicant to serve as a member of the TJPA Citizens Advisory Committee to fill the vacant Bicycle Advocate seat.

Lily Madjus Wu, TJPA Communications and Legislative Affairs Director, presented the item.

No public comment.

RESOLUTION 23-045

On motion to approve:

ADOPTED: AYES – Forbes, Lipkin, Rewers, Syed and Mandelman
ABSENT – John-Baptiste, Tumlin and Gee

10. Adopting a resolution appointing Araceli Harris, Finance Manager II, as an extra help Retired Annuitant to assist with imminent special project work (finance training, oversight, and transition) during a critical time as the TJPA fills several vacant finance positions.

Nila Gonzales, TJPA Chief of Staff, presented the item.

No public comment.

RESOLUTION 23-046

On motion to approve:

ADOPTED: AYES – Forbes, Lipkin, Rewers, Syed and Mandelman
ABSENT – John-Baptiste, Tumlin and Gee

11. Authorizing the Executive Director to execute Amendment No. 5 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 \$4,100,000 for a not-to-exceed amount of \$20,000,000, and amending the FY23-24 Capital Budget for Phase 1 to reallocate \$2,500,000 to accommodate the contemplated legal services, but with no change to the total amount of the fiscal year budget or the overall Phase 1 Program Budget.

Dennis Turchon, Senior Construction Manager for Phase 1, presented the item.

Public Comment:

Jim Patrick, Patrick & Co., suggested that there has not been enough information shared to determine if an amendment is appropriate, and suggested sharing a list of remaining items to be resolved for closing out Phase 1.

RESOLUTION 23-047

On motion to approve:

ADOPTED: AYES – Forbes, Lipkin, Rewers, Syed and Mandelman
ABSENT – John-Baptiste, Tumlin and Gee

12. Authorizing the Executive Director to execute a Master Agreement and Program Supplements with the California Department of Transportation (Caltrans) and adopt the associated resolution to enable the programming and allocation of up to \$60,000,000 in state Transit and Intercity Rail Capital Program (TIRCP) funds.

Mary Pryor, TJPA Financial Consultant, presented the item.

Director Lipkin stated he was pleased that the TIRCP Master Agreement is moving forward and noted the importance of the State as a funding contributor which is an important step to utilizing State funds to advance the work of The Portal project.

No public comment.

RESOLUTION 23-048

On motion to approve:

ADOPTED: AYES – Forbes, Lipkin, Rewers, Syed and Mandelman
ABSENT – John-Baptiste, Tumlin and Gee

13. San Francisco Peninsula Rail Program Executive Steering Committee (ESC) Update and status of the Downtown Rail Extension (DTX)/The Portal Workplan schedule.

Michelle Bouchard, ESC Chair, provided the update and Anna Harvey, TJPA Deputy Project Director for Engineering, presented the status of the schedule.

Director Forbes inquired who the intended audience is for the Procurement Conflict of Interest Policy that is identified in the DTX/The Portal Workplan Schedule. TJPA General Counsel, Deborah Miller of Shute, Mihaly & Weinberger, shared that the Procurement Conflict of Interest Policy is an organizational policy that other member agencies have also adopted; its specific in nature to anticipating the Progressive Design Build (PBD) construction contract and provides guidance to potential contractors on bidding the forecasted PDB contracts. Director Lipkin

offered coordination with the California High-Speed Rail Authority (CHSRA), as the agency most recently updated their policy to ensure it does not conflict out potential small business opportunities to work on the program. Ms. Miller noted previous review of CHSRA's policy during the development of the TJPA's Procurement Conflict of Interest Policy.

Director Forbes and Vice Chair Mandelman asked about benchmarks that will be used during the period of closing the 22% local funding match gap. Additionally, they questioned what indicators will be used to determine if the project is on course to achieve the required 22% local funding match or if additional time would be needed. ED Van de Water explained that coordination with funding partners will allow for evaluation and progress will become clearer once the project team receives notification in November.

Director Forbes requested a regular monthly update on the status of funding for the project and ED Van de Water responded affirmatively.

Director Rewers inquired if TJPA was pursuing federal legislation to receive approval of previously expended funds to account toward the 22% local funding match gap. ED Van de Water noted that the Federal Transit Administration recently confirmed that it would allow for the inclusion of previously expended funds of constructing the trainbox during Phase 1 of the Transbay Program to be considered eligible towards Phase 2.

Public Comment:

Roland Lebrun noted he was unable to access the linked attachment to the presentation.

ADJOURN – Vice Chair Mandelman adjourned the meeting at 10:30 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 s(415) 252-3100, fax (415) 252-3112 and web site: www.sfethics.org.