



**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**MINUTES**

Thursday, October 12, 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  
415-597-4620

9:30 – REGULAR MEETING

## ORDER OF BUSINESS

### 1. Call to Order

Chair Gee called the meeting to order at 9:34 a.m.

### 2. Roll Call

Present: Dina El-Tawansy  
Elaine Forbes  
Alicia John-Baptiste (*arrived during Item 5*)  
Boris Lipkin  
Sarah Syed  
Jeffrey Tumlin  
Rafael Mandelman  
Jeff Gee

### 3. Communications

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

Chair Gee thanked Ms. Bonner for her service and noted that this would be her last meeting.

### 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.

### 6. Citizens Advisory Committee (CAC) Update

Brian Larkin, CAC Chair, presented the update.

#### Public Comment:

Roland Lebrun stated that his comments about the Caltrain Report he made to the CAC were not shared with the TJPA Board under this item.

### 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.

Roland Lebrun reported that the Brightline project in Florida has exceeded use and profitability expectations and the Brightline company should be considered for The Portal project.

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 September 14, 2023 meeting.

(8.2) Authorizing the Executive Director to execute an amendment to the agreement for Landscape maintenance services with Gachina Landscape Management to extend the agreement for one year for additional compensation of up to \$330,957.

#### RESOLUTION 23-049

##### Public Comment:

Roland Lebrun stated he was experiencing technical difficulties and commented that the last page of the September 14, 2023 Minutes, for item 13, did not include his comment regarding \$2 billion [inaudible].

On motion to approve the Consent Calendar:

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

#### REGULAR CALENDAR

9. Approving the release of the Civil and Tunnel Progressive Design Build (40-CT) Request for Qualifications, with the express condition that any release of the Request for Proposals for 40-CT, or other Downtown Rail Extension/The Portal construction-related procurements, be conditioned on further TJPA Board action after demonstrating full compliance with the Governance Blueprint Stage Gate 1 for the applicable procurement.

Alfonso Rodriguez, TJPA Project Director for The Portal, presented the item.

Chair Gee asked about the risk associated with picking the perfect team and then having the constituents of the team change and specified that choosing a team with depth is important. Mr. Rodriguez replied that he recalled the Chair's comments regarding this risk and confirmed the team took it into consideration when developing the Request For Qualifications (RFQ) and

Request For Proposals (RFP), which was also applied it to the Program Management /Construction Management solicitation.

Vice Chair Mandelman asked what would happen if the project proceeds but the funds needed to progress are not obtained. Mr. Rodriguez replied that there are check points or stages built into the process that should minimize the risk of proceeding too quickly. ED Van de Water clarified that the first notice to proceed (NTP) will be for design work which will not over commit the project, and before proceeding to construction, funding will be known.

Director Forbes asked if there is adequate funding to pay for the design work. Chair Gee enhanced the question by inquiring on the order of magnitude for the first NTP and status of the funding available to cover it. Mary Pryor, TJPA Financial Consultant, replied that some of the funding for the design work is based on discretionary funding sources to provide full coverage of the design work. If not all of the funding is received, then the project will need to pivot to focus on the highest priority at the time.

Director Forbes stated this is an important policy matter, and noted if the project advances the design without construction funds in hand for the first NTP then a close eye should be kept on the status of funding sources and gaps, to consider whether to even advance design with construction funding as a risk.

**Public Comment:**

Roland Lebrun complained about the background noise on his call. He also highlighted the importance of value engineering on the project and added that the quality of the RFQ needs to be increased.

**RESOLUTION 23-050**

On motion to approve:

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

10. Adopting Board Policy No. 022: Conflict of Interest Policy for the TJPA's Design-Build Procurements for the Downtown Rail Extension/The Portal.

Deborah Miller, TJPA General Counsel, presented the item.

Director Forbes requested adding a longer blackout period to the Procurement Policy to prohibit communications before issue date for future procurements.

No public comment.

**RESOLUTION 23-051**

On motion to approve:

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

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

Tilly Chang, ESC Vice Chair, provided the ESC update; Alfonso Rodriguez, TJPA Project Director for The Portal, provided the status of the schedule; and, ED Van de Water provided the funding update.

Director Forbes and Chair Gee requested that this report be moved up in the agenda so this information can proceed action items.

Public Comment:

Roland Lebrun stated he agrees this is the right time to ask for funding but not the right time to build the wrong project. Mr. Lebrun stated that the elimination of the third rail was a mistake that is affecting all parts of the project, he also suggested that the ESC Update be provided as a meeting material.

#### RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

Public Comment:

Roland Lebrun [inaudible]

#### CLOSED SESSION

12. Call to Order

Chair Gee called the Closed Session to order at 10:55 a.m.

13. Roll Call

Present: Dina El-Tawansy

Elaine Forbes

Alicia John-Baptiste

Boris Lipkin

Sarah Syed

Jeffrey Tumlin

Rafael Mandelman

Jeff Gee

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 and all consolidated actions

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 11:34 a.m.

15. Announcement of Closed Session.

Assistant Board Secretary Bonner announced that there was no action to report.

ADJOURN – Chair Gee adjourned the meeting at 11:36 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) 252-3112 and web site: [www.sfethics.org](http://www.sfethics.org).