



**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, September 10, 2020

REGULAR MEETING
9:30 a.m.

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

PUBLIC COMMENT CALL-IN: 1-855-282-6330 -- Access Code: 126 729 5295

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

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In compliance with the Governor's Executive Order N-25-20 (March 12, 2020) as superseded by Order N-29-20 (March 17, 2020), this meeting will be held *exclusively* via teleconference participation of a quorum of Board members in locations not open to the public. The purpose of the orders is to provide the safest environment for all persons consistent with San Francisco Department of Public Health Orders of the Health Officer and current public health recommendations, while allowing the public to observe and address the Board.

BOARD OF DIRECTORS

Nadia Sesay, Chair

Jeff Gee, Vice Chair

Elaine Forbes

Matt Haney

Michael Hursh

Boris Lipkin

Jeffrey Tumlin

Tony Tavares (*ex-officio*)

Interim Executive Director

Nila Gonzales

Interim Secretary

Donald Pollitt II

REMOTE MEETING ACCESS

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

PUBLIC COMMENT CALL-IN: 1-855-282-6330 -- Access Code: 126 729 5295

Providing Public Comment

Ensure you are in a quiet location – Speak Clearly – Turn off any TVs or radios around you

1. When prompted, “raise hand” to speak by pressing *3 (star, 3) to be added to the queue.
2. Callers will hear silence when waiting for their turn to speak.
3. When prompted, callers will have the standard three minutes to provide comment.

ACCESSIBLE MEETING POLICY

In accordance with the Americans with Disabilities Act, California Law, and the Governor’s Executive Orders, any individual with a disability may request reasonable modifications or accommodations so that they may observe and address the Board at this teleconference meeting. If you are disabled and require special accommodations to participate, please contact the TJPA at 415.597.4620 or info@tjpa.org, at least 72 hours prior to the meeting. Late requests will be honored if possible. Calendars and minutes of the meeting may be available in alternative formats; please contact the TJPA at 415.597.4620 or info@tjpa.org at least 72 hours in advance of need. Written reports or background materials for calendar items are available online at www.tjpa.org.

If you need to use the services of a language interpreter, contact TJPA by calling 415.597.4620 or at info@tjpa.org. We require an advance notice of three business days to accommodate your request.

Si necesita usar los servicios de un intérprete de idioma, comuníquese con TJPA llamando al 415.597.4620 o en info@TJPA.org. Solicitamos un aviso previo de tres días hábiles para atender su solicitud.

如果您需要使用语言口译员，请联系TJPA，电话：415.597.4620，或电子邮件：info@tjpa.org。我们需要您在三个工作日之前告知，以满足您的要求

9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

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

2. Roll Call

Interim Secretary Pollitt announced that Director Chang was joining as Director Haney's alternate.

Present: Tilly Chang
Elaine Forbes
Michael Hursh
Boris Lipkin
Jeffrey Tumlin
Jeff Gee
Nadia Sesay

Absent: Matt Haney
Tony Tavares

3. Communications

Interim Secretary Pollitt 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
- Quarterly Financial Reports

Interim Executive Director (ED) Gonzales thanked the Board for the opportunity to serve as Interim ED, especially at such an important time in the agency's history. She stated that as the region continues to mitigate the impacts of the COVID-19 pandemic and looks towards the future of a state that is interconnected by rail, stable leadership and a firm commitment to the vision of the agency is critical. She noted that her focus will be on advancing the Transbay Program by operating the Salesforce Transit Center in a world-class, cost effective manner, in partnership with regional leaders, transit agencies and neighborhood stakeholders; advancing Phase 2 by collaborating with the San Francisco Peninsula Rail Program Executive Steering Committee (ESC); and, ensuring all aspects of the TJPA's financial and regulatory obligations are met. Interim ED Gonzales further stated that in regard to the COVID-19 health crisis, the

TJPA was pleased to see that the City and County of San Francisco was again moving forward with reopening more social and business activities. As previously reported, the TJPA's anchor tenant, Fitness SF, has been conducting one-on-one exercise sessions in the amphitheater area of the park with proper health and safety measures in place, remaining in compliance with allowable outdoor activities. The TJPA will continue to closely monitor and adhere to guidelines provided by the City's Health Officer in addition to working closely with the transit agencies and tenants to reduce the community spread of COVID-19. Additionally, she noted that commuters and visitors to the transit center are provided with up-to-date information regarding social distancing and mask wearing and enhanced cleaning protocols, including readily available hand sanitizer for visitors, remain in place. Interim ED Gonzales mentioned the TJPA's support of the Bay Area Transit Agencies' Riding Together Press Conference, which was held on August 19, and noted that more details would be provided during the Facility Operations report. Moreover, she was pleased to report that the TJPA has had positive lease negotiations for Suite 232 which contributes to the focus on health on the second floor of the transit center.

Interim ED Gonzales also reported that Christine Falvey's tenure as the Director of Communications for TJPA has concluded as she will be returning to the City full-time; therefore, the TJPA is looking to fill the position of Communications and Legislative Affairs Manager.

Regarding Phase 2, Interim ED Gonzales stated that the TJPA continues to work with the ESC to keep the public and stakeholders updated and educated about the Downtown Rail Extension (DTX)/Phase 2 project. She further stated that in July the TJPA issued a Communications and Outreach Services Request for Proposals (RFP) to undertake a branding and Public Outreach campaign for DTX in addition to other agency communications needs; seven proposals were received and are currently under review. She noted that the TJPA was pleased that their prior Director of Communications and the San Francisco County Transportation Authority (SFCTA) Director of Communications will serve on the evaluation panel and the contract is anticipated to be brought to the Board for consideration in October or November. Additionally, the General Engineering Consultant (GEC) RFP was released in July 2020 and, unfortunately, only one proposal was received. The TJPA will evaluate the proposal and return to the Board with a recommendation on whether to proceed or re-procure. She noted that extensive outreach was conducted for the GEC RFP and that over 85 participants attended the virtual preproposal meeting held on July 8, 2020. Furthermore, the TJPA's research regarding participation confirmed that more than 90 firms exchanged contact information, most firms were seeking subcontracting opportunities, and the majority of the Prime Consultants expressed interest in the future design-build procurements. She concluded her report by noting good progress has been made on the TJPA's recruitment for the DTX Project Director and that she will soon meet with the interview panel, which consists of ESC Chair Chang, ESC Vice Chair Fremier and former TJPA Director Executive Director Zabaneh, to review candidates, the interview timeline and the process.

John Updike, TJPA Facility Director, presented the Facility Operations Update.

Erin Roseman, TJPA Chief Financial Officer, provided the Quarterly Financial Reports.

6. Construction Closeout Update

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

7. Citizens Advisory Committee (CAC) Update

Derrick Holt, CAC Chair, reported that many individuals supported the TJPA's decision to appoint Nila Gonzales as the Interim ED and expressed appreciation for her leadership and level of consistency she has managing complex issues. The CAC was also pleased with the facilities and construction updates and appreciate how these activities are being managed. Additionally, the CAC appreciated the update on current tenants and that new healthcare merchants have been added as tenants. Furthermore, he noted that the CAC provided remarks surrounding the DTX/Phase 2 project, which included identifying a clear path forward, potential ESC topics, timelines, and the need for additional political champions. He expressed how imperative it is to continue nurturing support from political and regional champions to keep momentum flowing for the project. The CAC additionally expressed appreciation towards the TJPA for the substantial progress on the DTX/Phase 2 project that has been completed this past summer and noted the CAC anticipates receiving regular updates on the DTX, similar to Phase 1. He concluded the CAC report by suggesting the TJPA extend invitations to other representatives, such as Caltrain, to discuss the impact COVID-19 has had on ridership and revenue throughout the state.

Public Comment:

Roland Lebrun expressed concern that the DTX being moved to Phase 1 of Plan Bay Area was not mentioned. He stated it was a significant effort by the region and felt that it was not properly communicated to the CAC.

8. 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.

None.

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

REGULAR CALENDAR

9. Approving the Minutes of the August 18, 2020 Special meeting.

No public comment.

On motion to approve:

ADOPTED: AYES – Chang, Forbes, Hursh, Lipkin, Tumlin, Gee and Sesay

10. Approving an amendment to the Employment Agreement with Nila Gonzales for the position of Interim Executive Director effective September 1, 2020.

Deborah Miller, TJPA Legal Counsel, presented the item.

Director Hursh thanked Interim ED Gonzales for taking on the difficult assignment.

No public comment.

RESOLUTION 20-031

On motion to approve:

ADOPTED: AYES – Chang, Forbes, Hursh, Lipkin, Tumlin, Gee and Sesay

11. Authorizing the Interim Executive Director to execute a general services agreement for Landscape Maintenance Services for Salesforce Park with Gachina Landscape Management for an amount not to exceed \$911,297 for a three-year term.

John Updike, TJPA Facility Director, presented the item.

No public comment.

RESOLUTION 20-032

On motion to approve:

ADOPTED: AYES – Chang, Forbes, Hursh, Lipkin, Tumlin, Gee and Sesay

12. Presentation by lowercase productions and Applied Wayfinding on the Wayfinding Gap Analysis and Improvement Plan for the Salesforce Transit Center.

John Updike, TJPA Facility Director, introduced the item. Adrian Bell of Applied Wayfinding and Daniel Reider of Lowercase Productions presented the item.

Director Tumlin expressed concern that the transit center's wayfinding signage is unpleasant towards customers and suggested eliminating agency logos on the wayfinding signage structure as customers are looking to get to a destination and are not necessarily interested in who is transporting them. He also stated that the initial investment for the kiosks was costly and suggested using static maps in the interim to show how the system functions. Mr. Bell concurred and stated that the ideal options to improve the customer experience would be to implement simple messaging along with a static mapping system. Mr. Reider noted it would take approximately a year to develop an application to be consistent with the needs of the transit center and suggested using a series of static images in the meantime in place of the current kiosk application.

Director Hursh thanked the team for the report and the effort involved. He agreed with Director Tumlin about having customer friendly wayfinding signage at the transit center and asked how soon this work could start or if the TJPA had to procure and put out to bid. Additionally, he asked if there was someone to be held accountable for the inadequate wayfinding signage. Mr. Updike indicated that currently there is no identified funding source and a procurement process will need to be initiated once the team is given the green light. Interim ED Gonzales stated that the TJPA has a strong partnership with the Metropolitan Transportation Commission (MTC) and the team will work closely with MTC to identify funding for the improved wayfinding signage effort. Furthermore, Interim ED Gonzales mentioned that the TJPA can investigate the accountability factor as well as work to identify additional funding opportunities to implement the recommendations.

Director Lipkin asked if MTC desired to continue partnering with the TJPA and moving the wayfinding work forward. Mr. Updike stated that MTC remains a valuable partner and has reviewed the wayfinding analysis, which is aligned with the overall Bay Area wide program at MTC. Director Lipkin also asked if Director Tumlin would be available to dedicate some of his time to assist with the wayfinding project. Director Tumlin stated that with assistance from Director Hursh to engage management on ways to improve the customer experience, he would be happy to step in too. He also suggested implementing a Dutch or Japanese standard and bypassing the MTC standard. Mr. Bell noted that the current wayfinding system was based on regional consistency and the MTC standard.

Director Hursh stated that AC Transit manages the regional signage for MTC, and his staff is highly familiar with their process.

Director Chang appreciated the presentation and comments provided by the other Directors. She suggested that the TJPA continues to engage the CAC and the public, including members of the disabled community to obtain user perspective. She also offered assistance to seek grants or funding opportunities for this critical work.

Chair Sesay asked if Interim ED Gonzales could bring the item back to a future meeting to keep the Board informed on the progress and emphasized the importance of improving the customer experience at the transit center and Interim ED Gonzales responded affirmatively.

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

Tilly Chang, ESC Chair, stated that the ESC has made steady progress on several items, which continue to stay on-track, with the goal of getting DTX/Phase 2 of the Transbay Program to Ready for Procurement status. She noted that the GEC and Communications and Outreach RFPs are critical to the project. She furthered her report, and concurred with Interim ED Gonzales, that positive headway has been made to find a potential candidate for the DTX Project Director position. In terms of Critical Path, she stated that rail operations will be the major focus during the first period and that Caltrain will provide procurement in conjunction with the California High Speed Rail Authority (CHSRA) which will help evaluate phasing options for Caltrain and High-Speed Rail. She also reported that the team developed an initial Work Plan, which lays the groundwork to advance the project by next summer. Additionally, the team developed a cost

estimation tool which identifies the impact of project features that may be deferred. Further, she stated that the team has been updating the risk register using the Federal Transit Administration (FTA) methodology to assure applicability of the work and secure future funding from FTA grants. She announced that the next ESC meeting for the DTX/Phase 2 project will be held on Friday, September 18, 2020 at 11:00 a.m.

Vice Chair Gee thanked ESC Chair Chang for the update and how it captured where the project is headed, how to engage in the process, and keeping the public informed.

Public Comment:

Roland Lebrun stated that the modeling design by Deutsche Bahn, through contract with Caltrain, is critical and would be the best \$200 thousand dollars spent on the project so far. Mr. Lebrun is hopeful that the analysis by the ESC will finally expose the flawed 2nd street alignment and will make it impossible for Caltrain to vacate the 4th and King railyard until the new Transbay Tube opens. Mr. Lebrun suggested limiting specific sections to eliminate issues caused by right of way in San Mateo County. Mr. Lebrun also suggested sharing track work in an effort to increase train frequency between Brisbane and the transit center as well as expand the scope of the contract to examine the 7th Street alignment. Mr. Lebrun also said that he received a quote from a builder who recently responded to the Industry Sounding Request For Information and stated he could construct DTX and the Pennsylvania Avenue Extension for \$1 billion dollars. Mr. Lebrun concluded by suggesting the Board partner with the Mayor of San Jose to hold an emergency session to pass Bill 7965.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

14. Call to Order

Chair Sesay called the Closed Session to order at 11:12 a.m.

15. Roll Call

Present: Tilly Chang
Elaine Forbes
Michael Hursh
Boris Lipkin
Jeffrey Tumlin
Jeff Gee
Nadia Sesay

Absent: Matt Haney
Tony Tavares

16. 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

17. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8)

Property: 425 Mission Street, space # 216, 218, 220

Agency negotiators: Nila Gonzales, Interim Executive Director; John Updike, Facility Director

Negotiating parties: Onsite Dental, LLC

Under negotiation: Price and terms of payment for retail lease in the transit center

Property: 425 Mission Street, space # 103, 143

Agency negotiators: Nila Gonzales, Interim Executive Director; John Updike, Facility Director

Negotiating parties: Philz Coffee, Inc.

Under negotiation: Price and terms of payment for retail lease in the transit center

Property: 425 Mission Street, space # 123

Agency negotiators: Nila Gonzales, Interim Executive Director; John Updike, Facility Director

Negotiating parties: Venga, Inc.

Under negotiation: Price and terms of payment for retail lease in the transit center

Property: 425 Mission Street, space # 207, 208, 212

Agency negotiators: Nila Gonzales, Interim Executive Director; John Updike, Facility Director
Negotiating parties: Transbay Fitness, Inc.

Under negotiation: Price and terms of payment for retail lease in the transit center

Property: 425 Mission Street, space # 141

Agency negotiators: Nila Gonzales, Interim Executive Director; John Updike, Facility Director
Negotiating parties: Foundation Food Services, Inc.

Under negotiation: Price and terms of payment for retail lease in the transit center

Property: 425 Mission Street, space # P-01

Agency negotiators: Nila Gonzales, Interim Executive Director; John Updike, Facility Director
Negotiating parties: JSSK One, LLC

Under negotiation: Price and terms of payment for retail lease in the transit center

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 11:59 a.m.

18. Announcement of Closed Session.

Deborah Miller, TJPA Legal Counsel, announced that there was no action to report regarding Item 17 and Item 18.

Public Comment:

A member of the public, who did not identify themselves, stated that people are staying home due to the pandemic. He asked the Board to inform the public via mail to keep them updated on various projects, particularly High-Speed Rail, which many San Franciscans are interested in. He stated that millions of dollars have been given to Transbay and emphasized keeping the public informed about project timelines. He urged appointing personnel who understand the process and adherence to the Brown Act and stated that if things are done correctly, it will get the project to a better place.

ADJOURN – Chair Sesay adjourned the meeting at 12:04 p.m.

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

Donald Pollitt II
Interim 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.