



**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, November 10, 2022

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
Diane Shaw
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

Vice Chair Mandelman called the meeting to order at 9:30 a.m.

2. Roll Call

Secretary Gonzales announced that Chair Gee and Director El-Tawansy were absent due to scheduling conflicts and noted Vice Chair Mandelman would be presiding over the meeting.

Present: Elaine Forbes
Alicia John-Baptiste
Boris Lipkin
Diane Shaw
Jeffrey Tumlin
Rafael Mandelman

Absent: Dina El-Tawansy
Jeff Gee

3. Communications

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

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Project Labor Agreement (PLA) Quarterly Update
- Security Operations Quarterly Report
- Facility Operations Update

Executive Director (ED) Van de Water presented the ED report and provided the PLA Update.

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

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

6. Citizens Advisory Committee (CAC) Update

Brian Larkin, TJPA 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.

Roland Lebrun suggested reconsideration of the seventh street alignment since environmental changes to the project may make the alternative viable.

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 8, 2022 meeting.

(8.2) Approving the continued use of teleconferencing technologies for COVID-related health reasons for meetings of the legislative bodies of the TJPA pursuant to the provisions of Assembly Bill (AB) 361 and electing not to rely on teleconferencing provisions under AB 2449.

RESOLUTION 22-041

(8.3) Approving updated versions of the following financial policies: Board Policy No. 014, Capitalization Policy and Board Policy No. 017, Debt Management Policy and annual review of Board Policy No. 009, Investment Policy.

RESOLUTION 22-042

No public comment.

On the motion to approve the Consent Calendar:

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

REGULAR CALENDAR

9. Approving the recommended applicant to serve as a member of the TJPA Citizens Advisory Committee to fill the vacant Local Resident from District 6 seat.

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

No public comment.

RESOLUTION 22-043

On the motion to approve:

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

10. Authorizing the Executive Director to transfer \$9.5 million from Program Reserve to replenish the construction contingency to allow for continued close-out efforts under the Construction Manager/General Contractor contract with Webcor/Obayashi, with no change to the Phase 1 construction estimate-at-completion, which would remain \$2.159 billion.

Dennis Turchon, TJPA Senior Construction Manager for Phase 1 of the Transbay Program, presented the item.

No public comment.

RESOLUTION 22-044

On the motion to approve:

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

11. Adopting Board Policy No. 021, Capital Improvement Plan Policy and approving updated Board Policy No. 012, Reserve Policy.

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

Director John-Baptiste inquired on whether the Operating and Maintenance Reserve Policy would be reevaluated since it had not yet been met and Mr. Quintanilla confirmed the agency is confident it will meet the adopted goal.

Public Comment:

Francisco Da Costa stated he feels there are fewer people participating in the deliberation of empirical project data due to the need for increased transparency and accountability. He expressed concerns that the project has been stalled and not delivered as desired by the constituents of San Francisco. He noted a lot of taxpayers have invested in the project and is hopeful that the project receives current infrastructure bill funding.

RESOLUTION 22-045

On the motion to approve:

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

12. Approving an update to Board Policy No. 013, Authorities Relating to Administration of Real Property, authorizing the Executive Director to exercise certain authorities relating to the administration of real property for the Transbay Program.

Anna Harvey, TJPA Deputy Project Director – Engineering, presented the item.

No public comment.

RESOLUTION 22-046

On the motion to approve:

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

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

Tilly Chang, Executive Director of the San Francisco County Transportation Authority and ESC Vice Chair, presented the ESC update and Alfonso Rodriguez, TJPA DTX Project Director, presented the status of the DTX Workplan schedule.

Public Comment:

Roland Lebrun expressed challenges with the delivery of the project if continued on its current course.

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

14. Call to Order

Vice Chair Mandelman call the Closed Session to order at 11:00 a.m.

15. Roll Call

Present: Elaine Forbes
Alicia John-Baptiste
Boris Lipkin
Diane Shaw
Jeffrey Tumlin
Rafael Mandelman

Absent: Dina El-Tawansy
Jeff Gee

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

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 11:56 a.m.

17. Announcement of Closed Session.

Secretary Gonzales announced that there was no action to report.

ADJOURN – Vice Chair Mandelman adjourned the meeting at 11:57 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.