



**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**MINUTES**

Thursday, September 14, 2017  
1 Dr. Carlton B. Goodlett Place, Room 416  
San Francisco, CA

**REGULAR MEETING**  
9:30 a.m.

**BOARD OF DIRECTORS**

Mohammed Nuru, Chair  
Jeff Gee, Vice Chair  
Greg Harper  
Jane Kim  
Edward Reiskin  
Bijan Sartipi

Executive Director  
Mark Zabaneh

Secretary  
Nila Gonzales

201 Mission St. #2100  
San Francisco, California 94105  
415-597-4620  
415-597-4615 fax

9:30 – REGULAR MEETING

## ORDER OF BUSINESS

### 1. Call to Order

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

### 2. Roll Call

Secretary Gonzales announced that Director Sartipi and Vice Chair Gee would not be present due to scheduling conflicts.

Present: Greg Harper  
Jane Kim  
Ed Reiskin  
Mohammed Nuru

Absent: Jeff Gee  
Bijan Sartipi

### 3. Communications

Director Harper stated that a policy decision was needed in regards to the Naming Rights revenue as to whether it would be used for operational or capital costs. Executive Director Zabaneh stated that the annual Naming Rights revenue would be for operations and the initial lump sum payment would be for tenant improvements, which would reduce operations costs. It was agreed that the policy decision for the Naming Rights revenue would be addressed.

### 4. Board of Director's New and Old Business

None.

### 5. Executive Director's Report

- Quarterly Financial Reports

Executive Director Zabaneh reported that on July 26, 2017 the Metropolitan Transportation Commission (MTC) approved an additional \$3 million dollars of Regional Measure 2 (RM2) for operations of the transit center which increases the MTC annual subsidy for operations of the transit center to \$8 million a year. He also provided an update on the California High Speed Rail Authority (CHSRA) appointment to the TJPA Board and noted the next step is for the City and County of San Francisco to take action and then the TJPA Board would amend the Joint Powers

Agreement and Bylaws. He reported on coordination efforts for Under Ramp Park (URP) with the Office of Community Investment and Infrastructure (OCII) who will fund and develop URP and noted that the California Transportation Commission, with support from Caltrans, approved a lease for \$1/year at their August meeting. He further reported on the \$5.4 million allocation provided by the San Francisco County Transportation Authority (SFCTA) in April 2017 to continue preliminary engineering and design work on the elements of the Downtown Rail Extension (DTX) that are common to all alternatives under consideration by the Railyards Alternatives and I-280 Boulevard (RAB) feasibility study. He specified that the allocation included funding for a tunnel options study and the preliminary results would be presented at the October TJPA Board Meeting. He also indicated that staff continues to work closely with the RAB team and the RAB team has confirmed that their study will be completed with a decision on selecting an alignment by December 2017. He stated that a public relations and community outreach firm is being sought to assist with the transition from the Temporary Terminal to the Transit Center.

Niccolo DeLuca, Townsend Public Affairs, provided a legislative update regarding Regional Measure 3 (RM3)/ SB595 and stated that the Transbay Program is looking good at \$325 million for Phase 2/DTX and up to \$500 million for operations. The Governor is expected to sign the bill for it to go to the voters on the June 2018 ballot.

Sara DeBord, TJPA Chief Financial Officer (CFO), provided the Quarterly Financial Reports.

## 6. Citizens Advisory Committee (CAC) Update

Bruce Agid, TJPA CAC Chair, reported on updates the CAC received at their September meeting and noted their contentment with the RAB study scheduled for completion by December 2017; their liking of the Facility Readiness Update and, in particular, the pop-up retail; their satisfaction with the overall approach presented in the Park Rules but noted the after-hours concerns they had which were adequately addressed by staff. He also mentioned the CAC's sense of urgency for a presentation regarding potential homeless issues and, in regard to the Construction Update, he expressed their disappointment with an additional minor slip in the schedule and noted that a Gantt chart schedule was requested to assist with tracking the start of bus operations in the transit center.

## 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.

None.

**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 July 13, 2017 meeting.

(8.2) Authorizing the Executive Director to extend the term for the current bench of law firms providing services in their respective practice areas on an as-needed basis by two years, without increasing the maximum compensation allowed for the bench.

### RESOLUTION 17-031

(8.3) Authorizing the Executive Director to amend the existing Cooperative Agreement with the California Department of Transportation to revise the scope and funding for services related to the Bus Storage Facility and the Bus Ramps, resulting in a net increase in authorized funds of \$100,000.

### RESOLUTION 17-032

(8.4) Approving extension of Jenny Holzer artwork for the Bus Deck Level of the transit center, increase fabrication budget for the artwork by \$600,000 with no change in the overall public art program budget, and amendments to certain agreements to implement.

### RESOLUTION 17-033

(8.5) Authorizing the Executive Director to issue a purchase order to KBM-Hogue in the amount of approximately \$370,000 for design, project management, manufacture, delivery, and installation of furniture for the TJPA's security operations center for the Salesforce Transit Center, building maintenance areas, and some outdoor areas, under the terms detailed in the Bay Area Headquarters Authority Agreement.

### RESOLUTION 17-034

No public comment.

On motion to approve the Consent Calendar:

**ADOPTED: AYES – Harper, Kim, Reiskin and Nuru**

## REGULAR CALENDAR

9. Adopting rules and regulations for the TJPA's park on the roof of the transit center, and authorizing staff to proceed with requesting proposed amendments to the San Francisco Municipal Code to make TJPA's park a "park" subject to certain rules and regulations under the Municipal Code.

Sidonie Sansom, TJPA Chief Security Officer (CSO), presented the item.

Director Harper suggested it be clarified further that the revenue of TJPA's park belongs to the TJPA.

### Public Comment:

Jim Patrick, Patrick & Co., provided comments regarding the rules and regulations for TJPA's park and his understanding that the San Francisco Recreation and Parks Department would have jurisdictional authority. He also expressed concern because of his interpretation of how Proposition K, the Shadow Ordinance, would impact the park and nearby development. He provided a copy of the Shadow Ordinance and stated that he did not support modeling the Yerba Buena Garden park rules and regulations.

Andrew Robinson, East Cut Community Benefit District (CBD), provided comments in support of the item and stated the CBD is responsible for up to 80% of the maintenance and operations costs of TJPA's park. He also noted the CBD and TJPA are on a Joint Committee where this item has been discussed for the past several months, including the discussion of why dogs cannot be in the TJPA park, and that the CBD is looking for an interim dog area until Under Ramp Park is built.

### RESOLUTION 17-035

On motion to approve:

ADOPTED: AYES – Harper, Kim, Reiskin and Nuru

10. Authorizing the Executive Director to execute an amendment to the Professional Services Agreement for Legal Services with Jones Day to provide litigation support services arising from the movement of 301 Mission Street, for an additional compensation of \$1,500,000.

Executive Director Zabaneh presented the item.

### Public Comment:

Jim Patrick expressed his confusion regarding item 10 and item 11.

### RESOLUTION 17-036

On motion to approve:

ADOPTED: AYES – Harper, Kim, Reiskin and Nuru

11. Authorizing the Executive Director to execute a Waiver and Release Agreement with Millennium Tower Association and the TJPA's payment of \$1,159,694 for a full release of the TJPA's obligation for construction of a permanent wall under a 2008 Easement Agreement.

Executive Director Zabaneh confirmed that Chair Nuru's understanding was correct that this item is regarding a permanent wall that TJPA was going to construct under a 2008 Easement Agreement and instead TJPA will pay for them to construct it themselves.

Director Harper clarified that this item has nothing to do with the litigation; it is in regard to a prior obligation established in the 2008 Easement Agreement.

No public comment.

RESOLUTION 17-037

On motion to approve:

ADOPTED: AYES – Harper, Kim, Reiskin and Nuru

12. Construction Update.

Dennis Turchon, TJPA Senior Construction Manager, and Ron Alameida, Director of Design and Construction, presented the update along with Steve Humphreys of Webcor/Obayashi, Construction Manager/General Contractor, who reported on the schedule mitigation plan.

Director Reiskin inquired about the 5-weeks between the overall substantial completion date for the transit center and the mid-February 2018 lower levels substantial completion date. Mr. Alameida responded that it is probably for testing systems and commissioning and Mr. Humphreys confirmed. Director Reiskin asked if there is an opportunity to segment the request for temporary occupancy, even substantial completion for beneficial use, of the facility since the full facility will not be in use from day one. Mr. Alameida replied that it would be a challenge due to some of the systems, such as security and fire alarm.

Director Harper indicated that the AC Transit General Manager continues to reiterate to him the importance of all the things necessary for their service to function at the transit center on date specific. Mr. Alameida stated the need to push for more clarity from AC Transit.

13. Facility Readiness Update.

Martha Velez, TJPA Facility Manager, and Sidonie Sansom, TJPA CSO, presented the item.

Director Reiskin complimented staff on the presentation and suggested the schedule information be presented in the same manner as the Construction Update. He was pleased that some certainty on costs are coming to fruition and requested to see a cost comparison from what was contemplated and what is known now. He reiterated his support for Special TJPA Board

Meetings as necessary to ensure anything on the critical path is not held up by the Board's schedules.

14. Park programming presentation by Biederman Redevelopment Ventures (BRV), Asset Manager team.

Martha Velez, TJPA Facility Manager, introduced Dan Biederman and Ashley Langworthy of BRV to present the item.

Public Comment:

Jim Patrick stated he was glad to see the charts related to park activation and could see where the money is going but did not understand where the money was coming from. He expressed concern with permitting based on his interpretation of the park rules.

Executive Director Zabaneh offered to meet with Mr. Patrick to clarify his misunderstanding.

Director Reiskin clarified that the TJPA will not need to go to the San Francisco Recreation and Parks Department for permits for the TJPA park.

15. Presentation by Illuminate on art opportunity.

Martha Velez, TJPA Facility Manager, introduced Ben Davis of Illuminate to present the item.

ADJOURN – Chair Nuru adjourned the meeting at 11:35 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.

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](http://www.sfethics.org).