



San Francisco Municipal Transportation Agency Board of Directors & Parking Authority Commission

NOTICE OF MEETING AND CALENDAR • Meeting Date: Tuesday, December 3, 2024

REGULAR MEETING AND CLOSED SESSION

1:00pm

1 Dr. Carlton B. Goodlett Place
Room 400, City Hall

REMOTE MEETING ACCESS

WATCH: www.sfgovtv.org/sfmtaLIVE or
<https://www.sfmta.com/calendar/board-directors-meeting-december-3-2024>

SFMTA BOARD OF DIRECTORS

Stephanie Cajina, Vice Chair
Mike Chen
Steve Heminger
Dominica Henderson
Fiona Hinze
Janet Tarlov

DIRECTOR OF TRANSPORTATION

Jeffrey Tumlin

BOARD SECRETARY

Christine Silva



ACCESSIBLE MEETING POLICY

Wheelchair-accessible entrances are located on Van Ness Avenue and Grove Street. Please note the wheelchair lift at the Goodlett Place/Polk Street is temporarily not available. After multiple repairs that were followed by additional breakdowns, the wheelchair lift at the Goodlett/Polk entrance is being replaced for improved operation and reliability. We anticipate having a functioning lift after the completion of construction in May 2025. There are elevators and accessible restrooms located on every floor.

City Hall, Room 400, is wheelchair accessible. This meeting will be broadcast and captioned on SFGovTV. Remote public participation is available upon request for individuals who cannot attend in person due to disability. To request accommodation, please contact the Board Secretary at MTABoard@sfmta.com or 415.646.4470 at least three hours in advance of the meeting.

To request all other accommodations, such as sign language interpretation, auxiliary aides or services, please contact the Board Secretary at MTABoard@sfmta.com or 415.646.4470 at least 48 hours in advance of the meeting.

Members of the public are encouraged to provide public comment via email. Send an email to MTABoard@sfmta.com by 12pm the day before the meeting to ensure your comment is received by the Board in advance of the meeting.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

LANGUAGE ASSISTANCE

G 415.646.4470: For free interpretation services, please submit your request 48 hours in advance of meeting./Para sa libreng serbisyo sa interpretasyon, kailangan mag-request 48 oras bago ang miting./Para servicios de interpretación gratuitos, por favor haga su petición 48 horas antes de la reunión./如果需要免費口語翻譯，請於會議之前 48 小時提出要求。Đối với dịch vụ thông dịch miễn phí, vui lòng gửi yêu cầu của bạn 48 giờ trước cuộc họp./ Для бесплатных услуг устного перевода просьба представить ваш запрос за 48 часов до начала собрания./ Pour les services d'interprétation gratuits, veuillez soumettre votre demande 48 heures avant la réunion./ 무료 통역 서비스를 원하시면 회의 48 시간 전에 귀하의 요청을 제출하십시오./ 無料通訳サービスをご希望の場合は、会議の 48 時間前までにリクエストを提出してください。/บริการให้ความช่วยเหลือในหลายภาษาด้านภาษาฟรี ณ ที่ประชุมโดยต้องแจ้งล่วงหน้า 48 ชั่วโมง/ يمكن تقديم مساعدة لغوية مجانية في الاجتماع على أن يتم طلب هذه الخدمة قبل الاجتماع بفترة 48 ساعة.



ORDER OF BUSINESS

1. Call to Order
2. Roll Call
3. Announcement of prohibition of sound producing devices during the meeting
4. Approval of Minutes
 - November 19, 2024, Regular Meeting
5. Communications
6. Director's Report (For discussion only)
 - Special Recognition
 - Streets Update
 - Muni Funding Working Group
 - Upcoming Events
7. Citizens' Advisory Council Report
8. New or Unfinished Business by Board Members
9. Public Comment

Members of the public may address the SFMTA Board of Directors on matters that are within the Board's jurisdiction and are not on today's calendar.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA DIRECTOR OF TRANSPORTATION OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7th FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.



- 10.1. Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claim against the SFMTA (Explanatory documents include a resolution):
 - A. Robert Kemp, et al. v. SFMTA, et al., Superior Ct. Case No. CGC-23-610128 filed 11/01/2023 for \$35,000. Lawsuit involving allegations of personal injury from operator negligence (fall on board revenue vehicle).

- 10.2. Approving various routine parking and traffic modifications and making environmental review findings: (The Planning Department has found that Items A-B are exempt from the California Environmental Quality Act [CEQA]. For these parking and traffic modifications that received a categorical exemption, the proposed SFMTA Board action constitutes the Approval Action as defined by Chapter 31 of the San Francisco Administrative Code. Explanatory documents include a staff report and resolution.)
 - A. ESTABLISH – NO PARKING ANY TIME, Fulton Street, north side, from 42nd Avenue to 26 feet easterly
 - B. ESTABLISH – TOW-AWAY, NO STOPPING ANY TIME, Island on Circular Avenue, north side, from Congo Street to 65 feet easterly
 - C. ESTABLISH – PART-TIME BUS ZONE, 11 PM TO 7 AM, DAILY, Ulloa Street, south side, from 20 feet to 75 feet east of West Portal Avenue
 - D. ESTABLISH – METERED YELLOW ZONE, 6-WHEEL COMMERCIAL LOADING, 7 AM TO 4 PM, MONDAY THROUGH FRIDAY, Ulloa Street, south side, from 75 feet to 118 feet east of West Portal Avenue
 - E. ESTABLISH – PASSENGER LOADING ZONE, 7 AM TO 7 PM, DAILY, Lenox Way, west side, from 17 feet to 66 feet north of Ulloa Street
 - F. ESTABLISH – PASSENGER LOADING ZONE, 7 AM TO 7 PM, DAILY, ESTABLISH – TOW-AWAY NO STOPPING ANY TIME, EXCEPT AUTHORIZED MUNI VEHICLES, 7 PM TO 7AM, DAILY, Lenox Way, east side, from 3 feet to 69 feet north of Ulloa Street

- 10.3. Approving a Roadway Shared Spaces street closure of Elm Street between Van Ness Avenue and Polk Street, Tuesday, December 3, 2024, through Wednesday, December 3, 2025, 8 am to 4 pm, Monday through Friday; and making environmental review findings. (Explanatory documents include a staff report and resolution.)

- 10.4. Approving protected bikeway and traffic modifications on Lincoln Way and Sloat Boulevard, endorsing the closure of the Upper Great Highway and adopting the



closure and findings of Proposition K (The Planning Department has determined that the proposed project is exempt from the California Environmental Quality Act [CEQA]. The proposed action is the Approval Action as defined by the SF Administrative Code Chapter 31. Explanatory documents include a staff report and resolution.):

- A. ESTABLISH – Right Turn Only Except Bikes - Lincoln Way, westbound, at Upper Great Highway (prohibits left turn and U-turn movements, adds second right turn lane)
 - B. ESTABLISH – No Right on Red Except Bikes – Lincoln Way, westbound, at Upper Great Highway
 - C. RESCIND – Flag Stop – Lincoln Way, westbound, west of Martin Luther King Jr Drive
 - D. ESTABLISH – Flag Stop – Lincoln Way, westbound, east of Martin Luther King Jr Drive
 - E. RESCIND – Class II Bikeway
 - i. Sloat Boulevard, eastbound, from Lower Great Highway to 47th Avenue
 - ii. Sloat Boulevard, westbound, from Lower Great Highway to Upper Great Highway
 - F. ESTABLISH – Class IV Bikeway
 - i. Lincoln Way, eastbound and westbound, from Upper Great Highway to Martin Luther King Jr Drive (two-way bikeway on north side)
 - ii. Sloat Boulevard, eastbound and westbound, from Upper Great Highway to 47th Avenue (two-way bikeway on south side)
 - iii. Sloat Boulevard, westbound, from Lower Great Highway to Upper Great Highway (one-way bikeway on north side)
 - G. ESTABLISH – U-Turns Only Except Bikes – Sloat Boulevard, westbound, at Upper Great Highway (prohibits left and right turns)
- 10.5. Authorizing the Director of Transportation to execute the Ninth Amendment to SFMTA Contract No. 2014-48 with TEGSCO, LLC., for towing and storage services for abandoned and illegally-parked vehicles, increasing the contract amount by \$17.0 million, for a total amount not to exceed \$138.4 million, to support spending for the balance of the contract term through March 2026, and recommending approval of this amendment by the Board of Supervisors pursuant to Charter Section 9.118. (Explanatory documents include a staff report and resolution.)
- 10.6. Authorizing the SFMTA, through its Director of Transportation (or designee), to accept and expend up to \$942,286 in Fiscal Years 2024 and 2025 Transportation Development Act (TDA) Article 3 funds for the 13th Street Safety Project as set forth in the TDA Article 3 Project Application Form that is submitted to the Metropolitan



Transportation Commission. (Explanatory documents include a staff report and resolution.)

- 10.7. Establishing the 2025 SFMTA Board of Directors and Parking Authority Commission meeting schedule. (Explanatory documents include a staff report and resolution.)
- 10.8. Recommending to the Board of Supervisors for approval the Portal Project Implementation Memorandum of Understanding (Portal Implementation MOU) between the Transbay Joint Powers Authority (TJPA), the Metropolitan Transportation Commission (MTC), the San Francisco County Transportation Authority (SFCTA), the Peninsula Corridor Joint Powers Board (Caltrain), the California High-Speed Rail Authority (CHSRA), and the City and County of San Francisco (City), collectively, the "Partners," regarding Phase 2 of the TJPA's Transbay Program, referred to as The Portal (Project) for a term in excess of ten years. (Explanatory documents include a staff report and resolution.)

REGULAR CALENDAR

11. Approving the justification of the sole source and the award of Contract No. 1328 with Renesco Inc. (Renesco), to mitigate the water intrusion in the Chinatown Rose Pak Station, for a contract amount not to exceed \$6,482,379.59, for a term of 273 days to Substantial Completion. (Explanatory documents include a staff report and resolution.)
12. Authorizing the Director of Transportation to request from the Board of Supervisors conditional approval of an Infrastructure Facility Design-Build-Finance-Operate-Maintain Agreement for the SFMTA Potrero Yard Modernization Project, subject to final pricing; delegation of authority under Charter Section 9.118(b) for the SFMTA Board of Directors to approve the final pricing within the following not-to-exceed pricing limits: (1) an initial milestone payment of up to \$75,000,000 at financial close, (2) a relocation payment of up to \$500,000 within 60 days of completing temporary relocation of Potrero Yard operations, (3) a milestone payment of \$200,000,000 by no later than 2033, and (4) an initial maximum annual availability payment of up to \$42,200,000 (in Fiscal Year 2030 dollars) over a maintenance term not to exceed 30 years after the scheduled substantial completion date, anticipated in 2029, subject to interest rate and credit spread fluctuations between commercial close and financial close and annual CPI adjustments, with the part of the payment covering capital costs increasing 1% per year and sculpted to align with SFMTA's existing debt service obligations; and authorization for the Director of Transportation to execute the Form Project Agreement, as modified with the final pricing and to substantially include the terms of a Draft Small Business Enterprise/ Disadvantaged Business Enterprise Plan, with Potrero Neighborhood Collective, LLC or its affiliate. (Explanatory documents include a staff report and resolution.)



13. Presentation and discussion of the Safety Equity Initiative Action Plan. (Explanatory documents include a slide presentation.)
14. Discussion and vote pursuant to Administrative Code Section 67.10(b) and (d) as to whether to invoke the attorney-client privilege and conduct a closed session conference with legal counsel.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order
2. Roll Call
3. Pursuant to Government Code Section 54956.9(d)(1) and (d)(2) and Administrative Code Section 67.8 (a)(3) and 67.10(d)(1) and (2), the SFMTA Board of Directors will meet in Closed Session to discuss and take action on attorney client matters on the following:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- A. SF Federal Credit Union v. SFMTA, SF Superior Court Case No. CGC-18-565325 filed 3/27/18. Attorneys' fee award resulting from successful defense of litigation filed by plaintiff.
 - B. Thanh Hong v. Christopher Hill Potter, et al., Superior Ct. Case No. CGC-22-597597 filed 08/15/2022 for \$6,500,000. Lawsuit involving allegations of a dangerous condition of public property and failing to meet a mandatory duty imposed on a public entity.
4. Pursuant to Government Code Section 54957(b) and Administrative Code Section 67.10(b), the SFMTA Board of Directors will meet in closed session to discuss:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND APPOINTMENT/HIRING

Jeff Tumlin, Director of Transportation

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION

15. Announcement of Closed Session
16. Motion to disclose or not disclose the information discussed in Closed Session



ADJOURN

California Environmental Quality Act (CEQA) Appeal Rights under S.F. Admin. Code Chapter 31: For identified Approval Actions, the Planning Department or the SFMTA has issued a CEQA exemption determination or negative declaration, which may be viewed online at the Planning Department's website. Following approval of the item by the SFMTA Board, the CEQA determination is subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16 which is typically within 30 calendar days. For information on filing a CEQA appeal, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call 415.554.5184. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or submitted in writing to the City prior to or at such hearing, or as part of the appeal hearing process on the CEQA decision.

Board of Supervisors review of certain SFMTA Decisions: Certain parking and traffic modifications as well as Private Transportation Programs that involve certain parking modifications can be reviewed by the Board of Supervisors. These decisions are subject to review within 30 calendar days after they are made by the SFMTA Board of Directors. For information on requesting a review, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, call 415.554.5184. Ordinance No. 127-18 specifying which SFMTA decisions are reviewable by the Board of Supervisors can be accessed on-line: <https://sfbos.org/sites/default/files/o0127-18.pdf>.

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [S.F. Campaign and Governmental Conduct Code section 2.100 et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 415.581.2300; fax: 415.581.2317; 25 Van Ness Avenue, Suite 220, SF, CA 94102-6027 or the website: <https://sfethics.org/>.

If you wish to contact the Board regarding an item that is expected to be on an agenda, please email the Board at MTABoard@sfmta.com. Please know that the Board appreciates receiving such communication by 12pm the day before the meeting so they have time to review and consider the comments prior to the meeting.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under



the Sunshine Ordinance or to report a violation of the ordinance, contact Administrator, by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415.554.7724; by fax at 415.554.7854; or by email at sotf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at <https://sfgov.org/sunshine/>.