



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

**NOTICE OF MEETING AND CALENDAR** • Meeting Date: Tuesday, September 5, 2023

## **REGULAR MEETING AND CLOSED SESSION**

1:00pm

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

Members of the SFMTA Board of Directors will attend this meeting in-person. Members of the public are invited to observe the meeting in-person or remotely online as described below. Members of the public attending the meeting in person will have an opportunity to provide public comment on every action or discussion item.

In addition to in-person public comment, the Board will hear up to 10 minutes of remote public comment on each action or discussion item. The Board will hear remote public comment on items in the order that commenters add themselves to the queue to comment on the item. Because of the 10-minute time limit, it is possible that not every person in the queue will have an opportunity to provide remote public comment. Remote public comment from people who have received an accommodation due to disability (as described below) will not count toward the 10-minute limit.

Members of the public are encouraged to provide public comment via email. Send an email to [MTABoard@sfmta.com](mailto:MTABoard@sfmta.com) by 5pm the day before the meeting to ensure your comment is received by the Board in advance of the meeting.

## **REMOTE MEETING ACCESS**

WATCH: [www.sfgovtv.org/sfmtaLIVE](http://www.sfgovtv.org/sfmtaLIVE) or  
<https://www.sfmta.com/calendar/board-directors-meeting-september-5-2023>

PUBLIC COMMENT CALL-IN: 415.655.0001 ACCESS CODE: 2663 860 7018

## **SFMTA BOARD OF DIRECTORS**

Amanda Eaken, Chair  
Stephanie Cajina, Vice Chair  
Steve Heminger  
Dominica Henderson  
Fiona Hinze  
Lydia So  
Manny Yekutieli

## **DIRECTOR OF TRANSPORTATION**

Jeffrey Tumlin

## **BOARD SECRETARY**

Christine Silva



## PROVIDING PUBLIC COMMENT

When the item is called, dial \*3 to be added to the speaker line. When prompted, commenters will have up to two minutes to provide comment unless otherwise noted by the Chair. The Board will hear up to 10 minutes of remote public comment on each action or discussion item as described above. Please speak clearly, ensure you are in a quiet location, and turn off any TVs or computers around you.

## ACCESSIBLE MEETING POLICY

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. Making a request to participate remotely no later than one (1) hour prior to the start of the meeting helps ensure availability of the meeting link. Sign Language Interpretation is also available upon request.

If requesting remote Sign Language Interpretation, please submit an accommodation request a minimum of 4 business hours prior to the start of the meeting. Allowing a minimum of 48 business hours for all other accommodation requests (for example, for other auxiliary aids and services) helps ensure availability. To request accommodation, please contact the Board Secretary at [MTABoard@sfmta.com](mailto:MTABoard@sfmta.com) or 415.646.4470.

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
  - August 1, 2023, Regular Meeting
  - August 15, 2023, Special Meeting
5. Communications
6. Introduction of New or Unfinished Business by Board Members
7. Director's Report (For discussion only)
  - Special Recognition
  - Autonomous Vehicles Update
  - Vision Zero Update
  - State Legislation Update
  - Transit Update
  - Ongoing Activities
8. Citizens' Advisory Council Report
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 claims against the SFMTA (Explanatory documents include a resolution):

- A. Maryann Minkins v. CCSF, Superior Ct. Case No. CGC-22-600740 filed 07/15/2022 for \$75,000. Lawsuit involving allegations of personal injury from operator negligence (fall on board).
- B. Sergio May Perez v. CCSF, Superior Ct. Case No. CGC-22-599258 filed 04/20/2022 for \$50,500. Lawsuit involving allegations of personal injury from operator negligence (revenue vehicle and Plaintiff vehicle).
- C. David Howard, Unlitigated Claim No. 230988 dated 8/1/2022 for \$37,000. Lawsuit involving employment dispute.
- D. Ivys Morell v. CCSF, Superior Ct. Case No. CGC-21-596800 filed 11/24/2021 for \$16,000. Lawsuit involving allegations of personal injury from defective sidewalk conditions.

10.2. Authorizing Approving various routine parking and traffic modifications and making environmental review findings. (The Planning Department has found that items A-H are exempt from the California Environmental Quality Act [CEQA]. For these parking and traffic modifications that received a categorical exemption, the proposed action is the Approval Action as defined by Chapter 31 of the San Francisco Administrative Code. Explanatory documents include a staff report and resolution.):

- A. ESTABLISH - RESIDENTIAL PERMIT PARKING AREA U – 288-292 9th Street.
- B. ESTABLISH - RESIDENTIAL PERMIT PARKING AREA U – 1040-1042 Howard Street.
- C. ESTABLISH - TWO-HOUR PARKING, 8 AM TO 9 PM MONDAY THROUGH FRIDAY EXCEPT AREA S PERMITS – Storrie Street, both sides, between Market Street and 18th Street.
- D. RESCIND - TOW-AWAY, NO STOPPING, 3 PM TO 7 PM, DAILY – McAllister Street, north side, from 4 feet to 77 feet east of Gough Street.
- E. RESCIND – NO PARKING ANY TIME – Harlan Place, south side, from 115 feet to 162 feet, east of Grant Avenue.
- F. ESTABLISH – TOW-AWAY, NO STOPPING ANY TIME – Golden Gate Avenue, south side, from 140 feet to 195 feet east of Leavenworth Street.
- G. ESTABLISH - RESIDENTIAL PERMIT PARKING AREA C – 434 Leavenworth Street.
- H. ESTABLISH - RESIDENTIAL PERMIT PARKING AREA R – 725-727 Van Ness Avenue.



- 10.3. Appointing SFMTA Chief Strategy Officer Jonathan Rewers as an alternate director to serve on the Transbay Joint Powers Authority Board of Directors, effective September 6, 2023. (Explanatory documents include a staff report and resolution.)
- 10.4. Amending the existing SFMTA Contract Approval Delegation and Requirements Policy to delegate to the Director of Transportation authority to approve and execute grant agreements where the SFMTA, as grant recipient, provides unilateral indemnity to granting public agencies within certain limits. (Explanatory documents include a staff report and resolution.)

### **REGULAR CALENDAR**

11. Presentation and discussion regarding a Next Generation Clipper Program update. (Explanatory documents include a slide presentation.)
12. Discussion and vote pursuant to Administrative Code Section 67.10(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 the 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. Walsh Construction Co. II, LLC. Matter involving unlitigated construction contract claims presented 11/19/20 (City Attorney Matter No. 230237) under SFMTA Contract No. 1289, related to the Van Ness Improvement Project with the SFMTA to pay \$17,535,525.68 (with contribution from the San Francisco Public Utilities Commission of \$6,488,144.49) and SFMTA to release \$6,464,474.32 of retention to contractor.
- B. Ranger Pipelines, Inc. Matter involving unlitigated construction claims presented 11/19/20 (City Attorney Matter No. 230237) under SFMTA Contract No. 1289, related



to the Van Ness Improvement Project with SFMTA to pay \$1,016,000 to Ranger Pipelines, Inc. (Explanatory documents include a resolution.)

#### ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION

13. Announcement of Closed Session
14. Motion to disclose or not disclose the information discussed in Closed Session
15. Authorizing the Director to execute Bilateral Contract Modification No. 15 to SFMTA Contract No. 1289, The Van Ness Corridor Improvement Project with Walsh Construction II, LLC, which resolves and releases all outstanding and potential claims except for outstanding subcontractor claims, increases the Contract Amount by \$5,159,578.55 (with contribution from the San Francisco Public Utilities Commission of \$6,488,144.49) for a total Contract Amount of \$227,624,722.12, and extends the Project Final Completion date by 832 days. (Explanatory documents include a staff report and resolution.)

#### 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](mailto:MTABoard@sfmta.com). Please know that the Board appreciates receiving such communication not later than 5pm 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](mailto: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/>.