

Summary Minutes

Board Meeting June 27, 2024

Call to order

The meeting was called to order at 1:32 p.m. by Chair Dow Constantine and was available for viewing in person and online.

The meeting was recorded and can be found at https://www.soundtransit.org/get-to-know-us/board-directors/livestream-video.

Roll call of members

Chair		Vice Chairs	
(P)	Dow Constantine, King County Executive	(P) Kim Roscoe, City of Fife Mayor(P) Dave Somers, Snohomish County Executive	

Boa	Board members					
(A) (P) (P) (P) (P)	Nancy Backus, City of Auburn Mayor Claudia Balducci, King County Councilmember Angela Birney, City of Redmond Mayor Bruce Dammeier, Pierce County Executive Cassie Franklin, City of Everett Mayor	(P) (P) (P) (P) (P)	Julie Meredith, WSDOT Secretary Alternate Ed Prince, City of Renton Council President Dan Strauss, City of Seattle Councilmember Dave Upthegrove, King County Council Chair Peter von Reichbauer, King County			
(P) (P) (P)	Christine Frizzell, City of Lynnwood Mayor Bruce Harrell, City of Seattle Mayor Jim Kastama, City of Puyallup Mayor	(P) (P)	Councilmember Kristina Walker, City of Tacoma Councilmember Girmay Zahilay, King County Council Vice Chair			

Katie Flores, Board Administrator, announced that a quorum of the Board was present at roll call.

Report of the Chair

Item requiring a supermajority

Resolutions Nos. R2024-14, a budget increase for the Passenger Information Management System, and R2024-15, a budget amendment to split the Operations and Maintenance Facility South project from the Tacoma Dome Link Extension project, require a supermajority vote of the Board to approve final adoption.

Monthly Contract Report

The meeting packet included the monthly CEO contract report for May 2024.

CEO Report

Interim CEO Sparrman provided the report.

Postponing the Board Annual Program Review

For the last two years, the agency has provided the Board Annual Program Review, which updates the Board on the overall program health, in the spring. In consultation with Board leadership, staff are being

allowed time to enhance the reporting for an updated report in the fall, which will also align with an update on the agency's financial plan.

West Seattle Link Extension Update

CEO Sparrman shared that thanks to extensive collaboration with the Federal Transit Administration, Sound Transit expects the Final Environmental Impact Statement to be published near the end of Q3 this year.

2 Line Disruptions

Two recent service interruptions on the 2 Line were caused by power outages that emanated from a fault at the Spring District Traction Power Substation (TPSS). These substations regulate the voltage of power coming from the grid to the trains. In the event of the fault, the fail-safe system is designed to deenergize the system in both directions. The May 24, 2024 outage lasted 7 hours, and the June 18 outage lasted 2 hours thanks to lessons learned.

These incidents are the first TPSS faults of this kind in the 15-year history of Link service. The agency has already updated crisis communication procedures and increased operational readiness for these types of failures. The units are currently under warranty, and the parts have been sent to the manufacturer for forensic analysis.

ORCA Android tap to pay

Effective Monday, June 24, 2024, virtual ORCA cards are available for Android devices through Google Wallet. Passengers will be able to use their devices to tap-on to pay their transit fare. The regional ORCA team is actively working to expand virtual ORCA options to all phone users, as the option is limited to Android devices for now.

Lynnwood City Center LEED Gold certification

The agency recently received confirmation that the Lynnwood City Center Station and Garage have received LEED Gold certification from the US Green Building Council. Areas of high achievement included the quality of transit connections, protection of the habitat including restoration of Scriber Creek, energy efficiency of lighting and mechanical systems, and diversion of construction waste.

This project served as a model for future LEED certification at new Sound Transit facilities, aiding in the development of educational materials and signage that will become a new standard throughout the system. He thanked Sound Transit staff and contracting partners for their collaborative work on this achievement.

Great Hall re-opening

Effective Immediately, the Joni Earl Great Hall at Union Stations is re-opened to the public. Since being re-opened as Sound Transit headquarters in 1999, it was a welcoming community hub and transit destination for over 20 years, until the beginning of the COVID-19 Pandemic in 2020.

Support from Sound Transit facilities and security staff will enable the public to experience the architecture and history of the space, which will offer restrooms and refuge from the elements when needed. There will be a code of conduct, and anyone not abiding by those guidelines will be asked to leave. A reception later in the summer will be hosted to invite the community in to enjoy the space and engage on the future of Union Station.

Public Comment

Chair Constantine announced that the Board was accepting public comment via email and verbally through the virtual meeting platform.

The following people provided written public comment to the Board:

Mia Franklin

Jared Johnson for Seattle Chinatown-International District Preservation and Development Authority Betty Lau

The following people provided in-person verbal public comment to the Board:

Peter Barbin Brien Chow Kathleen Barry Johnson Brad Thorson

No individuals signed-up provided virtual verbal public comment to the Board.

Consent Agenda

Voucher Certification: May 2024

Minutes: Minutes for the May 23, 2024, Board of Directors Meeting

Motion No. M2024-34: Authorizing the chief executive officer to execute a second amendment to the lease agreement with 705 Union Station, LLC to extend the term for an additional three-and-a-half-year period for the first, fourth, fifth, and sixth floors, consisting of 79,475 rentable square feet of space in the 705 Union Station building, in an amount not to exceed \$14,415,361.

Motion No. M2024-37: Authorizing the chief executive officer to execute a Project Administration Agreement with the City of Lynnwood for the Everett Link Extension and OMF North project.

Motion No. M2024-38: Appointing Linda Dorris to the Community Oversight Panel to serve a term of three years beginning July 1, 2024, and expiring June 30, 2027.

The consent agenda was moved by Board member Roscoe and seconded by Board member Birney.

It was carried by the unanimous vote of the 14 Board members present that the Consent Agenda be approved as amended.

Business items

Resolution No. R2024-14: Amending the adopted 2024 Budget for the Passenger Information Management System program by (a) increasing the authorized program allocation by \$18,825,000 from \$49,575,848 to \$68,400,848, to accommodate additional scope and related activities and (b) increasing the 2024 annual budget by \$8,600,000 from \$9,354,058 to \$17,954,058.

Kristina Walker, Chair of the Rider Experience and Operations Committee, introduced the action and noted that the Committee had unanimously forwarded the action with a do-pass recommendation.

It was moved by Board member Walker, seconded by Board member Roscoe, that Resolution No. R2024-14 be approved as presented.

Vice Chair Roscoe inquired as to whether the Passenger Information Management System would handed-off to Sound Transit staff once the project was implemented. David Ginsberg, Deputy Director of the IT Program Management Office, confirmed that the system would be handed over to agency staff.

Board member Dammeier asked if these new funds are needed to carry-out the initial scope of the program or if there is new scope being covered. Mr. Ginsberg responded that the scope of the work was increased to cover the Northgate Link Extension, the starter 2 Line, and 11 Sounder cars.

Vice Chair Somers arrived at this time.

Chair Constantine asked if a supermajority of the Board was present to act on the item. Ms. Flores responded that 15 members are present, with a supermajority being 12.

Chair Constantine called for a roll call vote on Resolution No. R2024-14.

Navs Claudia Balducci Kim Roscoe Angela Birney **Dave Somers** Bruce Dammeier Dan Strauss Cassie Franklin Dave Upthegrove Christine Frizzell Pete von Reichbauer Kristina Walker Bruce Harrell Ed Prince Girmay Zahilay **Dow Constantine**

It was carried by the unanimous vote of the 15 Board members present that Resolution No. R2024-14 be approved as presented.

Resolution No. R2024-15: Splitting the Tacoma Dome Link Extension project into two projects, Tacoma Dome Link Extension (TDLE) and Operations and Maintenance Facility South (OMF South), for budgetary, planning, and reporting purposes by (a) amending the TDLE authorized project allocation in the Transit Improvement Plan from \$506,748,000 to \$112,388,021 and the annual Adopted 2024 Budget from \$258,212,000 to \$30,347,000, and (b) establishing the OMF South authorized project allocation at \$394,359,979 and the annual 2024 Budget at \$227,865,000.

Chelsea Levy, Acting Executive Director for Planning, Environmental, and Project Development, and Curvie Hawkins, Project Development Director, gave the staff presentation.

It was moved by Board member Balducci, seconded by Board member von Reichbauer, that Resolution No. R2024-15 be approved as presented.

Board member Balducci reported that the System Expansion Committee had considered this and the following action at its meeting earlier this month and unanimously forwarded the items with do-pass recommendation.

Vice Chair Roscoe thanked the staff and community partners for long-time engagement on this project and for recommending a project that will serve the system well. She remarked that she checked her calendar from 2019 and believes that this project was the first in which she participated in public engagement as Board member.

Nays

Board member Walker expressed similar sentiments of gratitude and excitement.

Chair Constantine called for a roll call vote on Resolution No. R2024-15.

Aves Claudia Balducci Kim Roscoe Angela Birney **Dave Somers** Bruce Dammeier Dan Strauss Cassie Franklin Dave Upthegrove Pete von Reichbauer Christine Frizzell Bruce Harrell Kristina Walker Ed Prince Girmay Zahilay **Dow Constantine**

It was carried by the unanimous vote of the 15 Board members present that Resolution No. R2024-15 be approved as presented.

Resolution No. R2024-16: Selecting the project to be built for the Operations and Maintenance Facility South project.

Chair Constantine noted that the information for this action was included in the previous presentation.

Resolution No. R2024-16 was moved by Boardmember Balducci and seconded by Boardmember von Reichbauer.

Board member Balducci reported on the System Expansion Committee's discussion and noted that the action was unanimously forwarded with a do-pass recommendation.

Amendment 1 to Resolution No. R2024-16 was moved by Boardmember Balducci and seconded by Boardmember Birney

Amendment 1 – offered by Boardmember Balducci

Amend Resolution No. R2024-16 by amending the first paragraph of the resolution as follows:

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority selecting the project to be built for the Operations and Maintenance Facility South project, and amending Motion No. M2022-21.

And, insert the following as the sixth recital:

WHEREAS, the Board approved Motion No. M2022-21 to authorize a funding agreement to pay the Bonneville Power Administration (BPA) up to \$423,995 to perform the environmental and engineering design work required to relocate four high-voltage transmission lines in order to construct and operate light rail as part of the Tacoma Dome Link Extension project, and the Operations and Maintenance Facility South project if located in the City of Federal Way, however an additional \$175,000 (including contingency) is needed to pay BPA to modify the design to avoid relocating a municipally-owned 60-inch water line.

And, insert the following as Section 2 of the resolution:

Section 2: Motion No. M2022-21 is amended to increase the total authorized agreement amount from \$423,995 to \$598,995 to fund additional environmental and engineering design work required to avoid relocating a municipally-owned 60-inch water line when relocating four BPA high-voltage transmission lines to construct and operate light rail as part of the Operations and Maintenance Facility South project.

Board member Balducci noted that the amendment was brought at the request of legal counsel and deferred the explanation of the amendment to Mr. Hawkins. Mr. Hawkins explained that the amendment would increase the amount of an agreement with Bonneville Power Administration for additional environmental and design work to avoid relocating a water line. The agreement amendment would be for \$175,000 and could save the project approximately \$2 million dollars in utility re-location expenses.

Board member Balducci noted that while the need for this amendment came up after the System Expansion Committee's discussion, the amendment complies with necessary policies and procedures and allows the project to not wait another month for consideration of a separate motion.

Chair Constantine called for a voice vote on Amendment 1.

Amendment 1 to Resolution No. R2024-16 was carried by a unanimous vote of the 15 Board members present.

It was carried by the majority vote of the 15 Board members present that Resolution No. R2024-16 be approved as amended. Board member Kastama arrived, and Board member Dammeier departed at this time

Resolution No. R2024-11: Adopting a System Expansion Project Scope and Betterments Policy and superseding Resolution No. R2009-24 and Motions Nos. M2002-48 and M2002-22.

Alex Krieg, Director of Access, Integration, and Station Area Planning, gave the staff presentation.

Board member Frizzell asked about the definition of Key Board members in the dispute resolution diagram. Mr. Krieg noted that each instance would be circumstantial, with the example that a betterment dispute along the Everett Link Extension could be supported by Board members from Snohomish County.

Board member Zahilay asked what occurs with the passage of this resolution and what details are left to staff. Mr. Krieg responded that the passage of the Resolution would supersede several previously adopted policies to have a unified, strengthened policy. Mr. Krieg confirmed that some work has been done on the staff-side to be ready to implement a dispute resolution process as the Policy directs the CEO to do, but the final details would be worked out should the Board adopt the Resolution.

Resolution No. R2024-11 was moved by Boardmember Balducci and seconded by Boardmember Birney.

Board member Balducci thanked staff for their work on this policy and noted that this was a key recommendation from the Technical Advisory Group. She expressed hopefulness for final passage.

Amendment 1 to Resolution No. R2024-11 was moved by Boardmember Balducci and seconded by Boardmember Roscoe.

Amendment 1 – offered by Boardmember Millar

Amend Resolution No. R2024-11 to add the following as an additional recital after the fourth recital:

WHEREAS, Sound Transit constructs its projects to comply with all federal, state, and local regulations and standards and to ensure that partner agencies can continue to operate and maintain their property and infrastructure that interfaces with Sound Transit projects in a safe and efficient manner; and

Mr. Krieg briefly explained that staff worked with Board member Millar's office to draft the amendment and widen its language as a commitment to work collaboratively with all partners.

Chair Constantine called for a voice vote on Amendment 1.

Amendment 1 to Resolution No. R2024-11 was carried by a unanimous vote of the 15 Board members present.

Amendment 2 to Resolution No. R2024-11 was moved by Boardmember Harrell and seconded by Boardmember Strauss.

Amendment 2 – offered by Boardmember Harrell

Amend Resolution No. R2024-11 to clarify how Sound Transit engages jurisdictional partners by amending multiple recitals.

Amend the fifth recital of Resolution No. R2024-11 as follows:

WHEREAS, Sound Transit values the long-standing relationships with its jurisdictional partners and seeks to treat its current and future jurisdictional partners equitably; and

And, amend Resolution No. R2024-11 to add the following as an additional recital after the sixth recital:

WHEREAS, Sound Transit obtains permits from authorities having jurisdiction (AHJs) and project design details required for permitting cannot always be known at the time of the environmental review or even at the project baseline milestone; and

Board member Harrell described the amendment as expressing already-known intent and acknowledging that not every detail is known at the project milestones during the which the Board defines project scope.

Mr. Krieg noted that there is no conflict with the prepared policy from this amendment.

Chair Constantine called for a voice vote on Amendment 2.

Amendment 2 to Resolution No. R2024-11 was carried by a unanimous vote of the 15 Board members present.

Amendment 3 to Resolution No. R2024-11 was moved by Boardmember Balducci and seconded by Boardmember Birney.

Amendment 3 – offered by Boardmember Backus

Amend Resolution No. R2024-11 to strengthen language around local jurisdiction regulations and requirements by amending multiple sections.

Amend the seventh recital as follows:

WHEREAS, throughout the lifecycle of a system expansion project, Sound Transit receives requests from other entities to enhance projects beyond their initial budgets, and established scopes, and beyond what is required by adopted federal, state, and local regulations; and

And, amend the thirteenth recital as follows:

WHEREAS, the Sound Transit Board seeks to update its policy to emphasize its commitment to deliver a regional transit system in close collaboration with its jurisdictional partners <u>in a manner that meets all federal</u>, state, and local regulations and <u>standards</u>.

And, amend section 2.2.1 as follows:

2.2.1 System expansion project scopes are developed in accordance with voter-approved plans <u>and in accordance with federal, state, and local regulations</u>.

And, amend section 2.2.2 as follows:

2.2.2 Sound Transit maintains and applies standards and guidelines to define project scope throughout project development and delivery to ensure that system expansion projects are executed consistently and equitably, <u>meet adopted federal, state, and local regulations</u>, meet operational and maintenance needs, and support passenger success.

Mr. Krieg explained that the amendment makes implied conditions explicit in the policy.

Board member Balducci urged support as she believes the amendment reinforces already existing conditions.

Chair Constantine called for a voice vote on Amendment 3.

Amendment 3 to Resolution No. R2024-11 was carried by a majority vote of the 15 Board members present, with Vice Chair Roscoe voting in the negative.

Board member Prince departed at this time.

Amendment 4 to Resolution No. R2024-11 was moved by Boardmember Harrell and seconded by Boardmember Strauss.

Amendment 4 – offered by Boardmember Harrell

Amend Resolution No. R2024-11 to strengthen section 2.4 and how Sound Transit interacts in regulatory processes:

Amend section 2.4.1 as follows:

2.4.1 Sound Transit must obtain seek regulatory approval from various authorities having jurisdiction (AHJs) to deliver the baseline scope authorized by the Board and to comply with applicable federal, state, and local regulations.

And, amend section 2.4.2 as follows:

2.4.2 Through the course of project development and delivery, Sound Transit project teams must work collaboratively with AHJs to advance projects consistent with the schedule and budget associated with the initial or baseline scope; consistent with the mitigation listed in the final environmental documentation and required by AHJ permits for Sound Transit to comply with applicable local codes, regulations, and policies; and consistent with the requirements in Resolution No. R2021-05.

Mr. Krieg expressed that the intent behind this amendment is similar to Amendment 3.

Board member Harrell noted that he hopes this amendment provides additional clarity to the policy.

Vice Chair Roscoe explained her previous negative vote and upcoming affirmative vote. In consultation with her staff, she felt that Amendment 4 accomplishes much of the same intent as Amendment 3, but in a more appropriate section of the policy.

Board member jokingly remarked that it was his strong advocacy for Amendment 4 that tipped Vice Chair Roscoe vote to the affirmative.

Chair Constantine called for a voice vote on Amendment 4.

Amendment 4 to Resolution No. R2024-11 was carried by a unanimous vote of the 14 Board members present.

Amendment 5 to Resolution No. R2024-11 was moved by Boardmember Balducci and seconded by Boardmember Birney.

Amendment 5 – offered by Boardmember Backus

Amend section 2.5 of Resolution No. R2024-11 to make the definition of a betterment clearer by amending multiple sections.

Amend section 1.1 as follows:

1.1. This policy guides scope development and definition of Sound Transit system expansion projects and provides direction to Sound Transit staff on the process for incorporating betterments, as defined in section 2.5.1, into project scope.

And, add the following as new section 2.5.1:

2.5.1 A project element beyond the project scope as defined in section 2.2 is known as a project betterment.

And, amend existing section 2.5.2 as follows:

2.5.2 Throughout the lifecycle of a project, Sound Transit receives requests from other parties and AHJs to enhance projects beyond the Board defined scope project scope as defined in section 2.2 and at the key milestones defined in section 2.3.—A project element beyond required scope to plan, build, and operate the regional transit system is known as a project betterment.

Mr. Krieg explained that the most substantial impact of Amendment 5 is to pull up the definition of what a betterment is by referring back to the conditions around project scope. Staff believe this amendment helps to provided better clarity to the overall policy.

Chair Constantine called for a voice vote on Amendment 5.

Amendment 5 to Resolution No. R2024-11 was carried by a unanimous vote of the 14 Board members present.

Amendment 6 to Resolution No. R2024-11 was moved by Boardmember Balducci and seconded by Boardmember Roscoe.

Amendment 6 – offered by Boardmember Backus

Amend section 2.6 of Resolution No. R2024-11 by deleting text as follows:

2.6 **Reimbursement for out-of-scope work.** Sound Transit seeks reimbursement for costs expended if an AHJ or other party attempts to impose or requests out of scope work. When the timing of work requested and the requesting party's budget do not allow it to pay, Sound Transit may include the work under the following conditions:

Mr. Krieg noted that this section was pulled forward from one of the previous policies being consolidated through this action. He remarked that Betterments are a subcategory of out-of-scope work. In concept, Amendment 5 would mean that Sound Transit does not intend to seek reimbursement for out-of-scope work that AHJs attempt to impose. In practice, the agency aims to work collaboratively with local partners to reach mutually beneficial outcomes.

Board member Balducci expressed that it is good practice to draft the policy assuming good natured interaction, as no policy could account for every circumstance. She brought-up the imposition of a 60-foot buffer in Bellevue along the East Link Extension that she believes was unnecessary for the project and only applied to the Light Rail expansion. She brought this up as the policy did not prevent the agency from moving forward with the conditions, and she hopes that future jurisdictions would take this conversation as meaning that the agency will do better at pushing back on imposed conditions and aim to foster collaborative discussion to support betterments.

Vice Chair Roscoe thanked Board member Balducci for the anecdote and expressed support for Amendment 6. She added that the true outcome of the policy will be in the implementation and day lighted through reporting, pending the adoption of the policy and a later amendment.

Chair Constantine called for a voice vote on Amendment 6.

Amendment 6 to Resolution No. R2024-11 was carried by a unanimous vote of the 14 Board members present.

Amendment 7 to Resolution No. R2024-11 was moved by Boardmember Balducci and seconded by Boardmember Birney.

Amendment 7 – offered by Boardmember Balducci

Amend section 2.8 of Resolution No. R2024-11 to add the following:

2.8 **Reporting.** The CEO must report to the Board on the progress and status of system expansion projects, including possible changes or risks to scope, schedule, and budget, in accordance with the requirements of the Board's procurement, agreements, and delegated authority policy. The CEO must report back no later than December 2024 on the status of policy implementation and must report on performance against the policy on an annual basis thereafter.

Mr. Krieg noted that Amendment 7 adds an annual reporting schedule to begin later this year, and that this further builds upon the intent of the policy and TAG recommendation.

Board member Balducci noted that while staff were already prepared to do similar reporting, she felt it is important for the Board to specifically request it in the policy.

Board member Birney concurred with Board member Balducci and expressed her support.

Board member Frizzell asked if Board member Balducci would be amenable to reconsideration of Amendment 7 with a semi-annual reporting cadence. Board member Balducci noted that while Board members could ask for reporting off the annual cycle, she believes leaving the required reporting at an annual cadence allows for staff to not become distracted from the work itself. Board member Frizzell stated that her idea was just to err on the side more frequent reporting that less frequent and she is fine with the annual reporting.

Vice Chair Roscoe noted that the Technical Advisory Group recommendations also highlight the need to raise concerns and issues to the Board as early as possible. She opined that perhaps use of the phrase "at a minimum, on an annual basis" could bridge the gap. Board member Balducci expressed uneasiness over conflicting direction, given that the requirement for what should be included in non-regular report is flexible. Board member Birney stated that she believes the language currently in the Reporting section provides enough guidance to staff on bringing an ad-hoc report. Vice Chair Roscoe agreed.

Chair Constantine called for a voice vote on Amendment 7.

Amendment 7 to Resolution No. R2024-11 was carried by a unanimous vote of the 14 Board members present.

Board member Balducci urged support on the vote for final adoption.

Chair Constantine thanked staff and all involved for acting on this Recommendation from the Technical Advisory Group.

Chair Constantine called for a voice vote on Resolution No. R2024-11 as amended.

It was carried by the unanimous vote of the 14 Board members present that Resolution No. R2024-11 be approved as amended.

Resolution No. R2024-09: (1) Declaring certain surplus properties at Surrey Downs near East Main Station in Bellevue, Washington as suitable for development as housing; and (2) authorizing staff to offer the surplus properties for sale at fair market value to all interested parties.

Chair Constantine noted that this action was postponed from the April Board meeting, and staff were asked to explore option to resolving covenant restrictions.

Resolution No. R2024-09 was moved by Boardmember Birney and seconded by Boardmember Roscoe.

Chair Constantine added the agency has pivoted and no longer wants to pursue the offering strategy at this time. He noted that he would like to ask for a motion to indefinitely the postpone the item.

It was moved by Board member Balducci, seconded by Board member Roscoe, and carried by the majority vote of the 14 Board members present that consideration of Resolution No. R2024-09 be indefinitely postponed.

Motion No. M2024-35: Authorizing the chief executive officer to execute a lease agreement with Wiley Family LLC for approximately ten years and three months with two, five-year options to extend, for the CIS Building located in Redmond, WA, in the amount not to exceed of \$19,357,812.

Faith Roland, Real Property Director, gave the staff presentation.

Board member thanked Sound Transit for working with her staff to ensure the building, located in an unusual area in Redmond, could be used as desired. She supported the inclusion of the action on today's agenda.

It was moved by Board member Birney, seconded by Board member Roscoe, and carried by the unanimous vote of the 14 Board members present that Motion No. M2024-35 be approved as presented.

Reports to the Board

None.

Other business

None.

Next meeting

The next regular Board meeting would be held on July 25, 2024, 1:30 p.m. to 4:00 p.m. in the Ruth Fisher Board Room and as a virtual meeting via WebEx.

Adjourn

The meeting adjourned at 3:28 p.m.

Dow Constantine Board Chair

APPROVED on July 25, 2024, AJM.

Kathryn Flores

Board Administrator