

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Monday, November 1, 2010
1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA

SPECIAL MEETING
9:30 a.m.

BOARD OF DIRECTORS

Nathaniel Ford, Chair
Elsa Ortiz, Vice Chair
Mark Church
Michael Cohen
Chris Daly
Bijan Sartipi

Executive Director
Maria Ayerdi-Kaplan

Secretary
Nila Gonzales

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

9:30 – SPECIAL MEETING

ORDER OF BUSINESS

1. Call to Order

Vice Chair Ortiz called the meeting to order at 9:30 am.

2. Roll Call

Secretary Gonzales announced that Chairman Ford would not be present due to a scheduling conflict and therefore Vice Chair Ortiz would preside over the meeting at his request.

Present: Mark Church
Michael Cohen
Chris Daly
Bijan Sartipi
Elsa Ortiz

Absent: Nathaniel Ford

3. Communications

None.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Presentation on Bay Bridge Corridor Congestion Study
- Funding Update
- Construction Manager/General Contractor SBE Update
- Demolition Update

Executive Director Ayerdi-Kaplan reported on progress to date including the status of the Buttress Shoring and Excavation bid and the Glazing Design bid, Pelli Clarke Pelli Architects' progress on the Construction Documents, and the Utility Relocation contracts. She also provided an update on the Temporary Terminal phase 2 construction, stating that the estimated completion date is December 11th. She advised that in response to riders' requests the benches have been increased by 50% from 4 to 6 benches and an evaluation for more benches at the completion of phase 2 is being researched. She further reported that the restroom issue continues to be investigated and staff will report back at the December meeting. Additionally she reported on a variety of meetings that have been held for various components of the program including meetings with Caltrain and California High Speed Rail Authority on the rail design.

Tony Bruzzone, ARUP, presented the Bay Bridge Corridor Congestion Study.

Director Sartipi stated that Caltrans has not yet had a chance to review this study in detail but there are some concerns with the contra flow lane and taking a lane from the bottom deck of the Bay Bridge because it may cause too much congestion. Additionally, he expressed concern with the proposed barrier that would seclude a lane because of the consequences that would follow should there be any incident in that lane. He stated the recent congestion pricing on the Bay Bridge shows that there is about 10,000 less trips on the bridge and he suggested this information be incorporated into the study as well. He further suggested studying how to access the bridge versus how to function on the bridge and to incorporate the bicycle pedestrian study on the west span that MTC is doing.

Nancy Whelan, Financial Consultant, presented the Funding update. She stated that \$800 million of the \$1.6 billion Phase 1 project is allocated. She also stated that staff has been working very closely with the Federal Railroad Administration (FRA) on meeting all of their requirements and that the first invoice has been submitted to FRA in the amount of \$25 million. She further reported that staff continues to seek funds for Phase 2 of the project.

Thomas Soohoo, Webcor/Obayashi Small Business Manager, presented the CMGC SBE update.

Steve Rule, Turner Construction, presented the Demolition update.

Vice Chair Ortiz stated that she and the AC Transit Board members have been very concerned with the issues of the benches, bathrooms and canopies but she was pleased to hear that steps are being taken to address the issues raised.

6. Public Comment

Charlie Walker, President of the African American Truckers Association, expressed his concern with the number of African Americans working on this job. He requested the agency give African Americans some contracts and work. He also requested to know how many African Americans are working with the contractors or have contracts of their own. He further requested information on trucking contracts.

THE FOLLOWING MATTERS BEFORE THE TRANSBAY JOINT POWERS AUTHORITY ARE RECOMMENDED FOR ACTION AS STATED BY THE EXECUTIVE DIRECTOR OR THE CHAIR.

CONSENT CALENDAR

7. 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.

(7.1) Approving the Minutes of the October 14, 2010 meeting.

- (7.2) Authorizing the Executive Director to issue a Joint Trench Authorization Letter and enter into a Joint Trench Construction Cost Agreement with Pacific Gas & Electric and AT&T to construct a joint utility trench in Minna Street from First Street to Second Street.

RESOLUTION 10-046

No public comment.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Church, Cohen, Daly, and Ortiz

SPECIAL CALENDAR

8. Authorizing an Amendment to Contract No. 08-04-CMGC-000, Construction Manager/General Contractor Services for the Construction of the Transbay Transit Center Building and Related Structures, with the joint venture of Webcor Builders and Obayashi Corporation to update the terms of the Agreement to incorporate the construction of the rail levels of the Transit Center in the Project in a "bottom-up" sequence; to clarify which elements are now included in Phase I and Phase II of construction; to revise the construction schedule to seven years and CM/GC Fixed Fee to \$71,000,000; and to modify related contract language.

Emilio Cruz, Program Manager, presented the item.

No public comment.

RESOLUTION 10-047

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

9. Approving an Amendment to Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture to award a Trade Subcontract to Transworld Construction, Inc. as the responsible bidder submitting the lowest responsive bid in the amount of \$663,478 for TG19.1– 301 Mission Interim Screen Wall, and thereby increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 from \$4,796,301 to \$5,459,779 and increasing the authorized Construction Services Fixed Fee from \$374,591.11 to \$428,996.30.

Brian Dykes, TJPA Principal Engineer, presented the item.

No public comment.

RESOLUTION 10-048

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

10. Authorizing the Executive Director to execute a Professional Services Agreement for Legal Services related to federal grants, procurement and other matters with the law firm of Thompson Coburn LLP for five years at a cost not to exceed \$1,000,000.

ED Ayerdi-Kaplan presented the item.

No public comment.

RESOLUTION 10-049

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly, and Ortiz

RECESS SPECIAL MEETING AND CONVENE CLOSED SESSION

There was no member of the public who indicated that they would like to comment on the item scheduled for discussion in closed session.

CLOSED SESSION

1. Call to Order

Vice Chair Ortiz called the closed session to order at 10:20 am.

2. Roll Call

Present: Mark Church
Michael Cohen
Chris Daly
Bijan Sartipi
Elsa Ortiz

Absent: Nathaniel Ford

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8)

Property: Portion of Caltrans Parcel T bounded by the Transbay Terminal, Fremont, Mission, and First Streets

TJPA Negotiators: Maria Ayerdi-Kaplan, Executive Director; Charles Sullivan, Deputy City Attorney; and Andrew W. Schwartz, Shute, Mihaly & Weinberger, outside counsel

Negotiating parties: TJPA and Hines

Under negotiation: Terms of the Exclusive Negotiating Agreement between the TJPA and Hines and the price and terms of Hines' purchase of the Property from the TJPA

ADJOURN CLOSED SESSION AND RECONVENE SPECIAL MEETING – The Closed Session was adjourned at 10:25 am.

11. Announcement of Closed Session.

Deborah Miller, TJPA Counsel, announced that the Board met in Closed Session for a conference with their real property negotiators and there is no action to report.

ADJOURN – Vice Chair Ortiz adjourned the meeting at 10:30 am.

A tape 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.