



# **TRANSBAY JOINT POWERS AUTHORITY BOARD OF DIRECTORS**

## **MINUTES**

Thursday, May 12, 2011  
1 Dr. Carlton B. Goodlett Place, Room 416  
San Francisco, CA

REGULAR MEETING  
9:30 a.m.

### **BOARD OF DIRECTORS**

Nathaniel Ford, Chair  
Elsa Ortiz, Vice Chair  
Jane Kim  
Art Lloyd  
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 – REGULAR MEETING

## ORDER OF BUSINESS

### 1. Call to Order

Vice Chair Ortiz called the meeting to order at 9:40 am.

### 2. Roll Call

Secretary Gonzales stated that Chairman Ford would not be present due to a conflict, Vice Chair Ortiz would preside over the meeting and Director Rohan would be sitting in as Chairman Ford's alternate. She further announced that Director Sartipi would not be present due to a conflict and that the Mayor would soon appoint a replacement for Director Cohen to represent the Mayor's seat on the TJPA Board. Secretary Gonzales and the Board of Directors noted that Director Kim was running late and therefore they would begin the meeting without quorum to hear items that did not require an action but would pause the meeting if they reached an action item and Director Kim was still not present.

Present: Jane Kim (absent at roll call)

Art Lloyd  
Carter Rohan  
Elsa Ortiz

Absent: Nathaniel Ford

Bijan Sartipi

### 3. Communications

None.

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

None.

### 5. Executive Director's Report

- Funding Update
- Construction Update
- AC Transit Bus Storage Design Status Update

Executive Director Ayerdi-Kaplan reported on work to date. She stated the 100% Construction Documents are on schedule to be delivered by the end of the year. She also stated that in response to a public comment at the last meeting the Transbay program team has confirmed that the SFMTA and Supervisor Kim's office are working together to ensure pedestrian safety is reviewed and assessed throughout District 6.

Nancy Whelan, TJPA Financial Consultant, presented the Funding Update.

Steve Rule, Turner Construction, presented the Construction Update.

Secretary Gonzales announced the arrival of Director Kim, noting that quorum was fulfilled – 9:50am.

Phil Sandri, TJPA Program Management team, presented the AC Transit Bus Storage Update.

## 6. Public Comment

Andrew Brooks, TJPA CAC member, commented on the art component of the Transbay Transit Center and expressed his approval for all of the pieces selected except the sculpture by Timothy Hawkinson. He distributed a letter to the Board and then read it.

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 April 14, 2011 meeting.

(7.2) Authorizing the Executive Director to establish a five-firm bench of real estate economics consultants to provide services to TJPA over a five-year period on an as-needed basis, extend current real estate economics bench consultants' contracts until each contract budget is fully utilized, and execute new Professional Services Agreements with any or all firms on the real estate economics bench as long as the additional total compensation under all bench agreements does not exceed \$500,000.

### RESOLUTION 11-018

(7.3) Authorizing the Executive Director to execute License Agreements with Comcast, Level 3, and AboveNet to allow each of these telecommunications companies to temporarily relocate their facilities overhead on utility poles owned and installed by the TJPA through TJPA-owned Parcels N and N' at no cost to the TJPA, to allow for construction of the Transit Center.

### RESOLUTION 11-019

On motion to approve the Consent Calendar:

ADOPTED: AYES – Kim, Lloyd, Rohan and Ortiz

## REGULAR CALENDAR

8. Presentation of and Public Hearing for draft Fiscal Year 2011-12 Capital Budget in an Amount Not To Exceed \$220,296,000 and draft FY 2011-12 Operating Budget in an Amount Not To Exceed \$4,239,000.

Sara Gigliotti, TJPA Contracts Compliance Manager/Finance Coordinator, presented the item.

No public comment.

9. Authorizing the Executive Director to execute Contract Modification No. 4 to Agreement No. 08-08-DM-000 with Evans Brothers Inc. for additional construction services required as part of the Existing Terminal Building & Ramps Demolition, increasing the contract by \$1,320,060, for a total contract sum of \$15,242,200 and increasing the Contract Duration by 60 calendar days, for a total Contract Duration of 386 days.

Steve Rule, Turner Construction, presented the item.

No public comment.

### RESOLUTION 11-020

On motion to approve:

ADOPTED: AYES – Kim, Lloyd, Rohan and Ortiz

10. Approving an Amendment to Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture to award a Trade Subcontract to Bass Electric as the responsible bidder submitting the lowest responsive bid in the amount of \$650,000 for TG05.2R: Temporary Power, and increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 by \$650,000 and increasing the authorized Construction Services Fee by \$53,300.

Robert Beck, TJPA Senior Program Manager, presented the item.

No public comment.

### RESOLUTION 11-021

On motion to approve:

ADOPTED: AYES – Kim, Lloyd, Rohan and Ortiz

11. Approving a resolution authorizing the Executive Director to submit an application for Statewide Park Program (Proposition 84) Grant Funds for Transbay City Park.

Nancy Whelan, TJPA Financial Consultant, presented the item.

No public comment.

RESOLUTION 11-022

On motion to approve:

ADOPTED: AYES – Kim, Lloyd, Rohan and Ortiz

12. Annual review of Board Policy No. 009, Investment Policy, and approval of minor changes to the Policy.

Sara Gigliotti, TJPA Contracts Compliance Manager/Finance Coordinator, presented the item.

No public comment.

RESOLUTION 11-023

On motion to approve:

ADOPTED: AYES – Kim, Lloyd, Rohan and Ortiz

13. Approving the updated Initial Project Report dated May 12, 2011 and authorizing the Executive Director to modify the AB 1171 Cooperative Agreement with the Metropolitan Transportation Commission as necessary, for the rescission of AB 1171 Bridge Toll Funds in the Amount of \$76,024,000.

Nancy Whelan, TJPA Financial Consultant, presented the item.

No public comment.

RESOLUTION 11-025

On motion to approve:

ADOPTED: AYES – Kim, Lloyd, Rohan and Ortiz

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

## CLOSED SESSION

### 1. Call to Order

Vice Chair Ortiz called the closed session to order at 10:30 am.

### 2. Roll Call

Present: Jane Kim  
Art Lloyd  
Carter Rohan  
Elsa Ortiz

Absent: Nathaniel Ford  
Bijan Sartipi

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

Property: 85 Natoma Street #3 (Block 3721, Lot 113)

TJPA Negotiators: Maria Ayerdi-Kaplan, Executive Director, and Andrew W. Schwartz and Deborah L. (Keeth) Miller, Shute, Mihaly & Weinberger LLP, outside counsel

Negotiating parties: TJPA; Abbas A. Razaghi, and Nader Heydayian and Hamideh Nouri, co-trustees of the 2005 Heydayian/Nouri Family Trust; JPMorgan Chase Bank, N.A.; Specialized Loan Servicing LLC

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 85 Natoma Street #3

### RESOLUTION 11-024

On motion to approve:

ADOPTED: AYES – Kim, Lloyd, Rohan and Ortiz

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 10:35 am.

### 14. Announcement of Closed Session.

Deborah Miller, TJPA Counsel, reported that the Board of Directors unanimously authorized the Executive Director to execute a Purchase and Sale Agreement with Abbas A. Razaghi, and Nader

Heydayian and Hamideh Nouri, co-trustees of the 2005 Heydayian/Nouri Family Trust, to purchase 85 Natoma #3 for \$740,000.

ADJOURN – Vice Chair Ortiz adjourned the meeting at 10:40 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](http://www.sfethics.org).