



**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, September 8, 2016
1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA

REGULAR MEETING
9:30 a.m.

BOARD OF DIRECTORS

Greg Harper, Chair
Mohammed Nuru, Vice Chair
Jeff Gee
Jane Kim
Edward Reiskin
Bijan Sartipi

Interim Executive Director
Mark Zabaneh

Secretary
Nila Gonzales

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San Francisco, California 94105
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9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chair Harper called the meeting to order at 9:35 a.m.

2. Roll Call

Present: Jeff Gee
Jane Kim
Ed Reiskin
Bijan Sartipi
Mohammed Nuru
Greg Harper

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

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

CLOSED SESSION

3. Call to Order

Chair Harper called the closed session to order at 9:36 a.m.

4. Roll Call

Present: Jeff Gee
Jane Kim
Ed Reiskin
Bijan Sartipi
Mohammed Nuru
Greg Harper

5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code section 54957)

Title: Interim Executive Director, Chief Financial Officer, and Board Secretary

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

Property: Transbay Transit Center (generally located between Mission, Beale, Howard, and Second Street in San Francisco; Assessor's Block 3721, Lots 006 and 124; Assessor's Block 3720, Lots 010 and 011; Assessor's Block 3719, Lot 003)

Agency negotiator: Mark Zabaneh, Interim Executive Director; Shuprotim Bhaumik, HR&A Advisors, Inc.; Joan Story, Sheppard Mullin

Negotiating parties:

- Cushman & Wakefield
- Lincoln Property Company
- Youngwoo & Associates

Under negotiation: Price and terms of payment for long-term master lease of Transbay Transit Center

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 11:00 a.m. Director Sartipi exited the meeting.

9. Announcement of Closed Session

Deborah Miller, TJPA Counsel, announced that there was no action to report on Items 5 and 6 and the Board concurred to return to Closed Session to hear Items 7 and 8 after the Regular Calendar.

10. Communications

None.

11. Board of Director's New and Old Business

None.

12. Executive Director's Report

Interim Executive Director Zabaneh reported that United States Department of Transportation (US DOT) Secretary Anthony Foxx and California State Transportation Agency Secretary Brian Kelly visited the Transit Center site on August 25th which was a great opportunity to highlight Phase 1 and outline plans to fully fund Phase 2 using a variety of funding streams. They were very impressed with the progress made on Phase 1 and pleased to hear Phase 2 is moving forward. He also reported that, at the suggestion of local US DOT staff in Region 9, he attended the Federal Transit Administration (FTA) workshop in DC on the Capital Investment Grants program, which funds the New Starts program. While in DC, he took the opportunity to also meet with leaders of the Build America Bureau at US DOT. The Build America Bureau was created to streamline the various credit and grants programs to provide assistance to grantees. The status of the existing TIFIA loan and a briefing on Phase 2, including the desire to seek federal loans for Phase 2, was discussed and the project was very well received. Additionally, at

the suggestion of Director Reiskin, he attended the FTA's 2016 Transit Construction Workshop in New York which provided valuable information as Phase 2 moves forward and various delivery methods are explored. In regards to the AC Transit Bus Storage Facility, he joined AC Transit and Golden Gate Transit at the California Transportation Commission (CTC) meeting on August 18th to advocate for a low or no cost lease for the AC Transit Bus Storage Facility which was an information item on the CTC agenda. The CTC plans to take action on the item at their October meeting. Lastly, he announced that the Summer Internship program was successfully completed and a video created by the interns of their experiences is posted on the website.

13. Construction Update

Ron Alameida, Director of Design and Construction, and Dennis Turchon, TJPA Senior Construction Manager, presented the update.

14. Citizens Advisory Committee (CAC) Update

Secretary Gonzales announced that CAC Chair Agid was not present but had indicated to her that there was nothing to report.

15. Public Comment

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

Jim Patrick, Patrick & Company, stated he read the August article in the Matier and Ross section of the San Francisco Chronicle regarding the Millennium tower and felt that the Board had not taken a very active position relative to it; however, he was pleased with the press statement that was distributed and posted on the website. He also stated that BART released a Request for Proposals for renting out parts of Embarcadero station for kiosks and he encouraged the TJPA Board to refer to it to gain insight.

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

CONSENT CALENDAR

16. 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.

(16.1) Approving the Minutes of the July 14, 2016 meeting.

(16.2) Approving the Minutes of the August 25, 2016 meeting.

No public comment.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Gee, Kim, Reiskin, Nuru, and Harper

REGULAR CALENDAR

17. Approving an Amendment to Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture to execute a Trade Work subcontract with NetXperts as the responsible bidder submitting the lowest responsive bid in the amount of \$4,679,573 for TG27.1: Data Network and Systems Integration, thereby increasing authorized Direct Costs by \$4,679,573, and increasing the authorized Construction Services Fixed Fee by \$163,785.

Dennis Turchon, TJPA Senior Construction Manager, presented the item.

No public comment.

RESOLUTION 16-026

On motion to approve:

ADOPTED: AYES – Gee, Kim, Reiskin, Nuru, and Harper

18. Approving an agreement with Jenny Holzer Studio related to the commission of an artwork for the Bus Deck level of the Transit Center in an amount not to exceed \$182,000 for the remaining artist fee, where the Construction Manager/General Contractor budget for fabrication and installation of the artwork is \$740,000, and approve a second amendment to the Intergovernmental Agreement with the San Francisco Arts Commission (SFAC).

Ron Alameida, Director of Design and Construction, and Jill Manton, SFAC, presented the item.

Public comment:

Ruth Berson, San Francisco Museum of Modern Art (SF MOMA), expressed support for the item and listed various Jenny Holzer artworks displayed at SF MOMA.

Julie Chang, local artist chosen to create the terrazzo floor in the Grand Hall of the Transbay Transit Center, expressed support for the item.

RESOLUTION 16-027

On motion to approve:

ADOPTED: AYES – Gee, Kim, Reiskin, Nuru, and Harper

RECESS REGULAR MEETING AND RECONVENE CLOSED SESSION – The closed session reconvened at 11:45 a.m.

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

7. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Gov. Code Section 54956.9)

Name of case: John Eng, et al. vs. Millennium Partners I, Inc., et al., San Francisco County Superior Court, Case No. CGC-16-553574

and

Name of case: Laura S. Lehman, et al. vs. Transbay Joint Powers Authority, et al., San Francisco County Superior Court, Case No. CGC 16-553758

8. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 potential case)

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 12:15 p.m.

9. Announcement of Closed Session

Deborah Miller, TJPA Counsel, announced that there was no action to report on Items 7 and 8.

ADJOURN – Chair Harper adjourned the meeting at 12:18 p.m.

A recording 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.