

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, September 10, 2009
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
Mark Church
Michael Cohen
Chris Daly
Bijan Sartipi

Executive Director
Maria Ayerdi-Kaplan

Secretary
Nila Gonzales

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9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chairman Ford called the meeting to order at 9:30 am.

2. Roll Call

Secretary Gonzales thanked the alternate Directors that were sitting in for Directors Church, Ortiz and Sartipi.

Present: Tony Anziano
Michael Cohen
Chris Daly
Greg Harper
Art Lloyd
Nathaniel Ford

Absent: Mark Church
Elsa Ortiz
Bijan Sartipi

3. Communications

None.

4. Board of Director's New and Old Business

Chairman Ford thanked the Executive Director and her Staff for the modification he requested to the SBE and for including the update in the Quarterly Financial Report.

5. Executive Director's Report

- Funding Update
- Quarterly Financial Reports
- Construction Manager/General Contractor (CM/GC) SBE Update

Executive Director (ED) Ayerdi-Kaplan reported that the program continues to make very good progress. She stated that Staff has been working hard on the ARRA funding. She provided an update on various components of work to date including the status of Pelli Clarke Pelli Architects' (PCPA) Design and Development, archaeological sensitivity work by Webcor being conducted prior to actual construction and continued coordination meetings with various operators and stakeholders. She advised that Geotechnical testing had begun and the public relations team ensured appropriate noticing and community outreach. She also reported that the Temporary Terminal has made tremendous progress as most have noticed with the planting of the palm trees. She further reported that work continues with the California High Speed Rail Authority (CHSRA) and Caltrain on the rail extension.

Nancy Whelan, TJPA Financial Consultant, presented the Funding Update. Ms. Whelan stated that some concerns were raised by the Federal Railroad Administration (FRA), the agency considering the ARRA applications, over eligibility of our project due to the CHSRA studying different locations in San Francisco (SF).

At the request of the Board and ED, Andrew Schwartz, TJPA Counsel, reported on CHSRA's current actions. Mr. Schwartz stated that the CHSRA instructed their environmental consultants to study alternative locations for the SF station. He further stated that the TJPA has written to the Deputy Attorney General, counsel to CHSRA, advising that the alternatives would not be consistent with California and SF laws and that the only location in San Francisco for high-speed rail is the Transbay Transit Center. He concluded stating that the main point is that the alternatives would be illegal.

ED Ayerdi-Kaplan stated that there is only three weeks before the FRA makes their scheduled application selection on October 1st and she encouraged any help from the Board and the Public.

Sara Gigliotti, TJPA Contracts Compliance Manager/Finance Coordinator, presented the Quarterly Financial Reports. Chairman Ford expressed his appreciation for the accommodation to his request on the SBE report. He also inquired on the process for when a contractor is not meeting the goal. Ms. Gigliotti advised that the adopted race-neutral program has DBE percentages on most contracts but that it is not enforceable. She stated that if she notices the numbers are not consistent with projections she works with the contractor to identify issues. In many instances, it is because work that is projected to occur later on is the work that will be engaging the SBE/DBE communities.

Jes Pedersen, Webcor/Obayashi, presented the CM/GC SBE Update.

Michael Buckley, PCPA, presented a Retail Plan update.

6. Public Comment

None.

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 July 31, 2009 meeting.

(7.2) Authorizing the Executive Director to execute a Professional Services Agreement for retail legal counsel services with Sheppard, Mullin, Richter & Hampton LLP for a maximum compensation of \$200,000 and for a period not to exceed one year.

RESOLUTION 09-042

No public comment.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Cohen, Daly, Harper, Lloyd and Ford

REGULAR CALENDAR

8. Approving the artists recommended by TJPA's Public Art Steering Committee to enter into MOUs with the SF Arts Commission to develop conceptual proposals and artwork budgets in coordination with the Transbay Transit Center Architect.

Jill Manton, SF Arts Commission, presented the item.

No public comment.

RESOLUTION 09-043

On motion to approve:

ADOPTED: AYES – Cohen, Daly, Harper, Lloyd and Ford

9. Authorizing the Executive Director to execute a Professional Services Agreement with Enovity, Inc. to provide commissioning agent services for the Transbay Transit Center for a term extending to June 30, 2016 and at a cost not to exceed \$762,196.

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

No public comment.

RESOLUTION 09-044

On motion to approve:

ADOPTED: AYES – Cohen, Daly, Harper, Lloyd and Ford

ADJOURN – Chairman Ford adjourned the meeting at 11:15 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 and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Admin. Code Sections 16.520 - 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, Suite 801, San Francisco, CA 94102, telephone (415) 554-9510, fax (415) 554-8757 and web site: sfgov.org/ethics.