

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**MINUTES**

Thursday, June 11, 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

201 Mission St. #2100  
San Francisco, California 94105  
415-597-4620  
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9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chairman Ford called the meeting to order at 9:35 am

2. Roll Call

Secretary Gonzales announced that Director Anziano would be sitting in for Director Sartipi.

Present: Tony Anziano  
Mark Church  
Michael Cohen  
Chris Daly  
Elsa Ortiz  
Nathaniel Ford

Absent: Bijan Sartipi

3. Communications

None.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Funding Update
- Quarterly Financial Reports

Executive Director (ED) Ayerdi-Kaplan reported on the progress of work to date. She stated that Pelli Clarke Pelli Architects (PCPA) completed Schematic Design (SD) and commenced the Design Development phase. TJPA is working with Webcor on the SD documents submitted by PCPA. She also reported that Fred Clarke of PCPA recently presented the SD to the Planning Commission and the Redevelopment Commission and it was well received. She stated bus tests were conducted at the Alameda Airfield with all the various operators to verify the geometry of the plaza at the new station. Staff has continued to look at retail opportunities for the Transit Center. Bus storage design discussions have continued with Caltrans and Golden Gate Transit regarding their funding contribution. Community outreach also continues and a Bus Storage community meeting update was held recently. Temporary Terminal construction is moving right along; the modules are in place for the AC Transit and Greyhound buildings. She further reported that work continues on the DTX design issues regarding project interfaces with Caltrain and High Speed Rail and that work is also moving along well.

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

Sara Gigliotti, TJPA Contracts Compliance Manager/Finance Coordinator, presented the Quarterly Financial Reports.

Jes Pedersen of Webcor, TJPA Construction Manager/General Contractor (CM/GC), presented their SBE Program participation, implementation, outreach and approval they will seek from TJPA.

Chairman Ford directed Staff to incorporate a CM/GC SBE Program update to the Board monthly and then, once the CM/GC SBE program begins, quarterly reports will be sufficient.

Robert Beck, TJPA Senior Program Manager, presented the SFMTA Transportation Management Center site assessment study for space in the Transbay Transit Center. Chairman Ford expressed gratitude to the ED and Staff for working with SFMTA to review this opportunity.

#### 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 April 9, 2009 meeting.

(7.2) Authorizing the Executive Director to execute Amendment #7 to Request for Services #1 for Legal Services with Shute, Mihaly & Weinberger to increase the amount by \$310,000, for a total maximum approved amount under Request for Services #1 from \$2,330,000 to \$2,640,000.

#### RESOLUTION 09-023

(7.3) Approving the recommended applicant, D'Arcy Myjer, to serve as a member of the TJPA Citizens Advisory Committee to fill one of the two remaining vacant seats.

#### RESOLUTION 09-024

(7.4) Approving the interim monthly budget for the first month of FY 2009-10 in an amount not to exceed \$13,630,950.

#### RESOLUTION 09-025

No public comment.

On motion to approve the Consent Calendar:

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

#### REGULAR CALENDAR

8. Presentation of and Public Hearing for draft Fiscal Year 2009-10 Capital Budget in an amount not to exceed \$259,635,000 and draft Fiscal Year 2009-10 Operating Budget in an amount not to exceed \$3,365,000.

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

No public comment.

At the direction of Chairman Ford, Secretary Gonzales called items 9 and 10 together.

9. Approving the Small Business Enterprise (SBE) Program.

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

No public comment.

#### RESOLUTION 09-026

On motion to approve:

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

10. Approving the FY 2009-10 Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) of 25.4%.

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

No public comment.

#### RESOLUTION 09-027

On motion to approve:

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

At the direction of Chairman Ford, Secretary Gonzales called items 11 and 12 together.

11. Approving the Initial Project Report dated June 11, 2009, and a Resolution of Project Compliance for the allocation of Regional Measure 1 Funds in the Amount of \$10,426,000 for the Transbay Transit Center/Caltrain Downtown Extension Project.

Nancy Whelan, TJPA Financial Consultant, presented the item.

No public comment.

RESOLUTION 09-028

On motion to approve:

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

12. Approving the updated Initial Project Report dated June 11, 2009, and a Resolution of Project Compliance for the allocation of Regional Measure 2 Funds in the Amount of \$5,400,000 for the Transbay Transit Center/Caltrain Downtown Extension Project.

Nancy Whelan, TJPA Financial Consultant, presented the item.

No public comment.

RESOLUTION 09-029

On motion to approve:

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

13. Authorizing the Executive Director to execute the First Amendment to the Trolley Line Relocation and Street Modification Agreement with the San Francisco Municipal Transportation Agency to increase the Agreement amount from \$811,962 to \$1,111,962 and extend the termination date from December 31, 2009 to December 31, 2010.

Guy Hollins, TJPA Program Management team, presented the item.

No public comment.

RESOLUTION 09-030

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

ABSTAIN – Ford

14. Authorizing the Executive Director to direct architectural consultants Pelli Clarke Pelli Architects to include design of the below-grade levels of the Transit Center in the construction for Phase 1 of the Transit Center.

Robert Beck, TJPA Senior Program Manager, and Nancy Whelan, TJPA Financial Consultant, presented the item.

Public comment:

Kenneth Scheidig, AC Transit, requested Staff further explain page seven, regarding the fourteen month extra period of time the Temporary Terminal would be in place and what efforts would be made to do contingency planning in case there is an increase in bus ridership.

Robert Beck, TJPA Senior Program Manager, explained that when looking at the top-down vs. bottom-up approach there is an increase in the schedule for the bottom-up approach because work would be done sequentially rather than concurrently in the excavation process. Staff is exploring additional opportunities to shorten the timing. The extra period of time reported is what is currently projected as the additional time required to construct the Transit Center under the bottom-up approach. This means the Transit Center would open for bus operation in late 2015 vs. 2014. Staff will be doing additional work to decrease the impact of going bottom-up from a schedule perspective and to develop contingency plans, should there be an operational impact.

Brian Stanke, Bay Rail Alliance and California High Speed Rail, expressed his support for the Staff recommendation and strongly urged support for the bottom-up approach in Phase 1.

The Board directed Staff to provide a report explaining how they would minimize the cost of redesigning the bottom-up approach should that become necessary. They further advised that the TJPA would be engaging with all of the stakeholders on the federal stimulus money and advising about the details of their action today.

RESOLUTION 09-031

On motion to approve:

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

RECESS 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

Chairman Ford called the closed session to order at 11:05 am

## 2. Roll Call

Present: Tony Anziano  
Mark Church  
Michael Cohen  
Chris Daly  
Elsa Ortiz  
Nathaniel Ford

Absent: Bijan Sartipi

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

Property: 90 Natoma Street

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

Negotiating parties: TJPA; CBTW, LP; John Giuffre; Colin O'Malley

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 90 Natoma

## RESOLUTION 09-032

On motion to approve:

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

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 11:15 am.

## 15. Announcement of Closed Session.

Deborah Keeth, TJPA Counsel, announced that the Board met for a conference with their real property negotiators and unanimously authorized the ED to execute an agreement with CBTW, LP to purchase the Improvements at 90 Natoma Street for \$40,315.

ADJOURN – Chairman Ford adjourned the meeting at 11:20 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](http://sfgov.org/ethics).