

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, April 9, 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
415-597-4615 fax

9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chairman Ford called the meeting to order at 9:35 am and welcomed Mark Church to his first TJPA meeting.

2. Roll Call

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

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 welcomed Director Church. She reported on the progress of work to date including the Bus Storage, Temporary Terminal, Transit Center Design and internship program contractually required of the contractors. She also stated that staff has had very good meetings with Caltrain and the California High Speed Rail Authority regarding the rail component of the project.

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

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

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 March 12, 2009 meeting.

Director Church abstained from voting on the Minutes of the March 12, 2009 meeting since he was not in attendance.

No public comment.

On motion to approve Item 7.1:

ADOPTED: AYES – Cohen, Daly, Ortiz and Ford

ABSTAIN – Church

The minutes were approved.

(7.2) Authorizing the Executive Director to execute an Intergovernmental Agreement with SF Public Utilities Commission to provide As-Needed Design Review Services for a maximum compensation of \$225,000 and for a period not to exceed five years.

RESOLUTION 09-010

(7.3) Authorizing payment of current and future eligible and approved relocation assistance claims over \$100,000 in the aggregate for Resource and Design, Inc.

RESOLUTION 09-011

(7.4) Authorizing the Executive Director to execute Amendment No. 1 to the Agreement with Clifford Associates, Inc., to modify the Agreement to extend the term of the Agreement for an additional two years without increasing the maximum compensation under the Agreement.

RESOLUTION 09-012

(7.5) Authorizing the Executive Director to execute a Professional Services Agreement for real estate appraisal services with Carneghi-Blum & Partners, Inc. for a maximum compensation of \$425,000 and for a period not to exceed three years.

RESOLUTION 09-013

(7.6) Authorizing the Executive Director to execute Professional Services Agreements with any or all firms on the real estate economics bench as long as the total compensation under all bench agreements does not exceed \$500,000.

RESOLUTION 09-014

(7.7) Approving the recommended applicant, Jul Lynn Parsons, to serve as a member of the TJPA Citizens Advisory Committee to fill one of the three remaining vacant seats.

RESOLUTION 09-015

No public comment.

On motion to approve the Consent Calendar Items 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7:

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

REGULAR CALENDAR

8. Approving the proposed Small Business Enterprise (SBE) Program and authorizing its release for public review and comment.

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

Chairman Ford expressed his appreciation to the ED and Staff for expediting this item.

No public comment.

RESOLUTION 09-016

On motion to approve:

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

9. Authorizing the amendment of Contract No. 08-04-CMGC-000, Construction Manager/General Contractor (CM/GC) Services for the Construction of the Transbay Transit Center Building and Related Structures, with the joint venture of Webcor Builders and Obayashi Corporation, to place an enforceable SBE utilization goal of 17 percent on the contract.

ED Ayerdi-Kaplan presented the item. Jes Pedersen of Webcor acknowledged and accepted the requirement. He stated they have been successful in the past and are confident they will be successful with this contract.

Vice Chair Ortiz expressed her appreciation to the companies for taking the extra steps that help small businesses.

No public comment.

RESOLUTION 09-017

On motion to approve:

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

At this point in the calendar, Chairman Ford excused himself due to a conflict in his schedule. He handed the gavel to Vice Chair Ortiz to preside over the meeting.

10. Authorizing the Executive Director to execute an Intergovernmental Agreement with SFMTA to provide project planning, engineering support, detailed design, construction engineering, construction administration and inspection for a maximum compensation of \$2,282,979 and for a term to commence on the effective date of the Agreement and to terminate on December 31, 2014.

ED Ayerdi-Kaplan presented the item.

No public comment.

RESOLUTION 09-018

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

ABSENT – Ford

11. Adopting a Fifth Addendum to the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project FEIS/EIR for public right-of-way vacations for the Transit Center and its design modifications, and authorizing the Executive Director to submit a public right-of-way vacation application to the City and County of San Francisco to vacate those areas required for the Transit Center, including the design modifications.

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

Public comment:

Peter and Tom Byrne expressed their concern that this new addendum might impact their building at 60 Tehama Street. Mr. Byrne was not clear whether the proposed new bus ramp would run past or overlay their building.

Mr. Beck stated this addendum only deals with the issues within the public right of way. He further advised the current design of the bus ramps does impact the property at 60 Tehama which has always been in the environmental document for acquisition because it would be impacted by the project.

Deborah Keeth, TJPA Counsel, confirmed 60 Tehama is described in the environmental document as a property impacted by the project and identified as a property for acquisition.

Mr. Byrne expressed his disagreement with Mr. Beck's comments. He stated the initially approved EIS/EIR document showed the Locally Preferred Alternative (LPA) with a completely different bus ramp. He suggested comparing the LPA to page 18 of addendum five.

Deborah Keeth, TJPA Counsel, reiterated that there has not been any change to the design of the bus ramps. The LPA was not scrapped in addendum one; there were some modifications to it but it did not change the design or layout of the bus ramps; it only reduced the bus ramps from two levels to one level.

RESOLUTION 09-019

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

ABSENT – Ford

12. Approving the updated Initial Project Report dated April 9, 2009 and a Resolution of Project Compliance for the allocation of Regional Measure 2 Funds in the Amount of \$5,000,000 for the Transbay Transit Center/Caltrain Downtown Extension Project.

Nancy Whelan, TJPA Financial Consultant, presented the item.

No public comment.

RESOLUTION 09-020

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

ABSENT – Ford

13. Authorizing the Executive Director to execute Amendment No. 1 to the Agreement for professional design and construction administration services for the Transit Center Building and Related Structures with Pelli Clarke Pelli Architects, Inc. in an amount not to exceed \$5,000,000, to perform geotechnical testing and analysis of alternate means and methods for soil improvements and shoring wall construction.

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

Director Daly questioned what would happen if the Board approved to fund and later moved forward with the train box. Mr. Beck confirmed this work would translate because this work would be done whether the train box is done now or in the future.

Director Sartipi expressed his support of doing this work now prior to the construction contract because it would be a savings.

No public comment.

RESOLUTION 09-021

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

ABSENT – Ford

14. Approving the draft FY 2009-10 Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) for the DBE Program and authorizing the release of the draft FY 2009-10 AADPL for public review and comment.

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

Vice Chair Ortiz commended staff for their efforts of reaching out to DBEs and she was very impressed with the accomplishments.

No public comment.

RESOLUTION 09-022

On motion to approve:

ADOPTED: AYES – Church, Cohen, Daly and Ortiz

ABSENT – Ford

15. Presentation on the TJPA FY 2009-10 budget outlook pursuant to Board Policy No. 003.

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

No public comment.

ADJOURN – Vice Chair Ortiz adjourned the meeting at 10:25 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.