



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

## **MINUTES**

Thursday, July 15, 2010  
1 Dr. Carlton B. Goodlett Place, Room 250  
San Francisco, CA

SPECIAL 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 – SPECIAL 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 Directors Church and Sartipi would not be in attendance due to scheduling conflicts and, therefore, Directors Anziano and Lloyd would be sitting in.

Present: Tony Anziano  
Michael Cohen  
Chris Daly  
Art Lloyd  
Elsa Ortiz  
Nathaniel Ford

Absent: Mark Church  
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
- Construction Manager/General Contractor (CM/GC) SBE Update
- Public Outreach Update

Executive Director (ED) Ayerdi-Kaplan announced that the Transbay Transit Center Groundbreaking event would be held on August 11<sup>th</sup> at 10 am at the current Transbay Terminal. She then reported on progress to date including Pelli Clarke Pelli Architects being 25% complete with the construction documents, the Buttress, Shoring and Excavation package being put out to bid at the end of July, archaeological testing, finalizing details at the Temporary Terminal, preliminary engineering of the Rail component being substantially complete and meetings with various stakeholders, City agencies, and Caltrans.

Robert Beck, TJPA Senior Program Manager, presented the job creation report based on the request of the Board at the last meeting.

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

Thomas Soohoo, Webcor/Obayashi Small Business Manager, presented the CMGC SBE update.

Courtney Lodato, Public Relations/Outreach team, presented the Public Outreach 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 June 10, 2010 meeting.

(7.2) Authorizing the Executive Director to execute Amendment No. 3 to the IT Agreement with Bluecrane, Inc., to modify the Agreement to extend the term for an additional year without increasing the maximum compensation under the IT Agreement.

#### RESOLUTION 10-021

(7.3) Authorizing the Executive Director to execute an Amendment to the Intergovernmental Agreement with the San Francisco Planning Department to extend the term of the Agreement by one year and increase the compensation for its services in developing the Transit Center District Plan by \$145,000 for a total maximum compensation of \$875,000.

#### RESOLUTION 10-022

(7.4) Authorizing the Executive Director to enter into a Cooperative Agreement with the State of California Department of Transportation (Caltrans), for design review and oversight services of certain Transbay Transit Center Program elements that affect the State right of way, for a maximum compensation not to exceed \$300,000 and for a term to commence on the effective date of the Agreement and to terminate on December 31, 2018.

#### RESOLUTION 10-023

No public comment.

On motion to approve the Consent Calendar:

**ADOPTED: AYES – Daly, Cohen, Lloyd, Ortiz and Ford**

SPECIAL CALENDAR

8. Approving the FY 2010-13 Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (ADPL) of 18.5%.

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

No public comment.

RESOLUTION 10-024

On motion to approve:

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

9. Authorizing the Executive Director to execute the Temporary Terminal Lease with Greyhound for bus operations through the year 2017 and for a base rent of \$24,000 per month.

Andrew Schwartz, TJPA Counsel, presented the item.

No public comment.

RESOLUTION 10-025

On motion to approve:

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

10. Authorizing the Executive Director to execute Contract Modification No. 1 to the Contract with McGuire and Hester for the Temporary Terminal Project, to modify the Contract to provide additional construction services associated with Phase 1 for a maximum additional compensation of \$320,320, for a total Contract Sum of \$20,142,977.

Phil Sandri, Program Management team, presented the item.

No public comment.

RESOLUTION 10-026

On motion to approve:

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

11. Authorizing the Executive Director to execute Amendment No. 1 to the Agreement with the San Francisco Municipal Transportation Agency, to add Temporary Terminal traffic control services and corresponding not-to-exceed budget of \$997,698, increasing the total not-to-exceed budget to \$3,280,677 and extending the term of the Agreement from December 31, 2014 to December 15, 2015.

Phil Sandri, Program Management team, presented the item.

No public comment.

RESOLUTION 10-027

On motion to approve:

ADOPTED: AYES – Daly, Cohen, Lloyd and Ortiz

ABSTAIN – Ford

12. Authorizing the Executive Director to issue the second Notice to Proceed under TJPA Contract No. 08-08-DM-000, Existing Terminal and Ramps Demolition, to Evans Brothers, Inc., for hazardous materials abatement and physical demolition of the terminal, ramps and select buildings upon satisfaction of certain conditions.

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

No public comment.

RESOLUTION 10-028

On motion to approve:

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

13. Approving the design concepts and budgets for the four recommended artists, James Carpenter, Julie Chang, Jenny Holzer and Ned Kahn, and authorizing the Executive Director to enter into an agreement with each of the artists for design development, construction documents, project administration and oversight of fabrication and installation.

Fred Clarke, Pelli Clarke Pelli Architects, and Jill Manton, SF Arts Commission (SFAC), presented the item.

James carpenter presented his concept.

Julie Chang presented her concept.

Jenny Holzer's concept was presented by her studio managers Emily Blanchard and David Breslin. Jenny was not able to attend due to the Board meeting date changing.

Jill Manton reported that she received a public comment from a woman who said she has had a piece of Jenny Holzer's art for 10 years and she has never had to replace the light bulb or have work done on it.

Ned Kahn presented his concept.

Luis Cancel, SFAC Director of Cultural Affairs, expressed his support for the Transbay Transit Center's art program and commended the TJPA efforts.

No public comment.

#### RESOLUTION 10-029

On motion to approve:

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

14. Authorizing the Executive Director to enter into an agreement, for an amount not to exceed \$144,000 for fiscal year 2010-11, with a downtown parking operator to provide 28 indoor parking spaces per day for Caltrans Legal Office on a monthly basis and to maintain such an agreement, so long as the total amount does not exceed the amount budgeted in a particular fiscal year, and the agreement is consistent with the terms of the Cooperative Agreement.

Deborah (Keeth) Miller, TJPA Counsel, presented the item.

No public comment.

#### RESOLUTION 10-030

On motion to approve:

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

15. Authorizing an Amendment to Contract No. 08-04-CMGC-000, Construction Manager/General Contractor Services for the Construction of the Transbay Transit Center Building and Related Structures, with the joint venture of Webcor Builders and Obayashi Corporation, to increase the time for preconstruction services to 110,800 hours, to revise contract retention terms, and incorporate other clarifying contract language.

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

No public comment.

#### RESOLUTION 10-031

On motion to approve:

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

## RECESS SPECIAL 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.

Chairman Ford departed due to a scheduling conflict and requested that Vice Chair Ortiz preside over the closed session and remainder of the meeting.

### CLOSED SESSION

#### 1. Call to Order

Vice Chair Ortiz called the closed session to order at 11:05 am.

#### 2. Roll Call

Present: Tony Anziano  
Michael Cohen  
Chris Daly  
Art Lloyd  
Elsa Ortiz

Absent: Mark Church  
Bijan Sartipi  
Nathaniel Ford

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

Property: Portion of Caltrans Parcel T bounded by the Transbay Terminal, Fremont, Mission, and First Streets

TJPA Negotiators: Maria Ayerdi-Kaplan, Executive Director; Charles Sullivan, Deputy City Attorney; and Andrew W. Schwartz, Shute, Mihaly & Weinberger, outside counsel

Negotiating parties: TJPA and Hines

Under negotiation: Terms of the Exclusive Negotiating Agreement between the TJPA and Hines and the price and terms of Hines' purchase of the Property from the TJPA

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

#### 16. Announcement of Closed Session.

Deborah (Keeth) Miller, TJPA Counsel, announced that the Board met in Closed Session for a conference with their real property negotiators and there was no action to report.

ADJOURN – Vice Chair Ortiz 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).