

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**MINUTES**

Thursday, February 11, 2010  
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 9:30 am.

### 2. Roll Call

Secretary Gonzales announced that Directors Sartipi and Church would not be in attendance due to scheduling conflicts.

Present: Michael Cohen  
Chris Daly  
Elsa Ortiz  
Nathaniel Ford

Absent: Mark Church  
Bijan Sartipi

### 3. Communications

None.

### 4. Board of Director's New and Old Business

Director Daly announced to the Board and the public that four members of the San Francisco Board of Supervisors placed a policy statement or declaration of policy on the June ballot in San Francisco. The purpose is to put San Franciscans on record, once again, supporting the Transbay Transit Center project and specifically addressing the California High Speed Rail Authority's alternative at Main & Beale. He expressed his confidence in the voters of San Francisco passing the ballot measure because they have embraced and will continue to embrace this project time and time again. This declaration of policy is not legally binding but it is a statement to build High Speed Rail at the Transbay Transit Center at 1<sup>st</sup> and Mission Streets.

### 5. Executive Director's Report

- Funding Update
- Construction Manager/General Contractor SBE Update

Executive Director (ED) Ayerdi-Kaplan reported that the TJPA begins the New Year with very good news as Secretary LaHood, the Secretary of Transportation under President Obama, has committed \$400 million for the train box from ARRA's High Speed Rail funding. She expressed gratitude to the President, Secretary LaHood, Speaker Pelosi, Senator Feinstein, Senator Boxer, Governor Schwarzenegger, Mayor Newsom, Officials at the Local, State and Federal levels and the TJPA Board. She then presented the 2009 milestones and accomplishments and the 2010 Plans and Funding activities.

Sara Gigliotti, TJPA Contracts Compliance Manager, provided an update on the SBE program activity. She reported that the TJPA hosted a Contractor Outreach event on January 20<sup>th</sup> and over 150 contractors attended. Information was provided to them on the project, the SBE program and how to get certified if they were not already. She further reported that the TJPA has encouraged current contractors to get certified, if they are not, and several contractors have proceeded to get certified. She also announced that seven proposals were received earlier in the week for the SBE/DBE Outreach consultant. Additionally, she reported that the TJPA is now active in the Business Outreach Committee which is a working group of Bay Area transportation agencies, including MTA.

Jes Pederson, Webcor/Obayashi, presented the CMGC SBE Update.

Nancy Whelan, TJPA Financial Consultant, presented the Funding Update. She reported the TJPA continues to pursue grant funding from a variety of sources and that two new grant requests are pending; one for \$62 million for the federal TIGER program and one for \$18 million for the federal Urban Circulator program. She stated the TIGER grants will be announced on February 17, 2010, and the Urban Circulator grants are to be announced early this year.

#### 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.

### REGULAR CALENDAR

#### 7. Approving the Final Relocation Impact Study II.

Joyce Oishi, TJPA Program Coordinator, and Karen Eddleman of Associated Right of Way Services the TJPA Relocation Consultant, presented the item.

No public comment.

#### RESOLUTION 10-001

On motion to approve:

ADOPTED: AYES – Cohen, Daly, Ortiz and Ford

8. Approving the updated Initial Project Report dated February 11, 2010, and a Resolution of Project Compliance for the allocation of Regional Measure 1/AB 1171 Bridge Toll Funds in the Amount of \$10,700,000 for the Transbay Transit Center/Caltrain Downtown Extension Project.

Nancy Whelan, TJPA Financial Consultant, presented the item.

No public comment.

RESOLUTION 10-002

On motion to approve:

ADOPTED: AYES – Cohen, Daly, Ortiz and Ford

9. Approving the Minutes of the December 10, 2009 meeting.

No public comment.

On motion to approve:

ADOPTED: AYES – Cohen, Daly and Ford

ABSTAIN – Ortiz

The minutes were approved.

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

1. Call to Order

Chairman Ford called the closed session to order at 9:55 am.

2. Roll Call

Present: Michael Cohen  
Chris Daly  
Elsa Ortiz  
Nathaniel Ford

Absent: Mark Church  
Bijan Sartipi

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

(3.1) Property: 580 Howard Street #500

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

Negotiating parties: TJPA; Timothy Mott, trustee of the Timothy Mott Trust, U/T/A dated March 5, 2004

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 580 Howard #500

#### RESOLUTION 10-003

On motion to approve:

ADOPTED: AYES – Cohen, Daly, Ortiz and Ford

- (3.2) Property: 133 Beale Street (portion of Block 3718, Lot 025) (Caltrans Lease Area No. SFX-480-26)

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

Negotiating parties: TJPA; Beale Street Bar & Grill; Gloria Eckstein; Joseph Eckstein; State of California Department of Transportation

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 133 Beale Street (portion of Block 3718, Lot 025) (Caltrans Lease Area No. SFX-480-26), including compensation for loss of business goodwill under California Code of Civil Procedure Section 1263.510

#### RESOLUTION 10-004

On motion to approve:

ADOPTED: AYES – Cohen, Daly, Ortiz and Ford

4. Pursuant to Government Code Section 54957(b), the TJPA Board of Directors will meet in closed session to discuss routine evaluation of public employees:

#### PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Executive Director, Maria Ayerdi-Kaplan  
Board Secretary, Nila Gonzales

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 10:10 am.

10. 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 a purchase and sale agreement with Timothy Mott to purchase 580 Howard Street #500 for \$3,250,000. The Board also unanimously authorized the ED to execute an agreement with Beale Street Bar & Grill to provide an advance of expected actual eligible relocation expenses in the amount of \$240,500 and compensation in the amount of \$259,500 in settlement of all claims relating to goodwill loss.

Chairman Ford reported that the Board met in closed session regarding the evaluations of Executive Director Maria Ayerdi-Kaplan and Board Secretary Nila Gonzales, and expressed the Board's sincere appreciation for the fine work that both individuals are doing on behalf of the citizens of San Francisco and confirmed a positive review of their performance.

Chairman Ford recognized and honored Norm Rolfe. He acknowledged Norm was a great transit advocate that spent quite a bit of time with the TJPA and provided very insightful and thoughtful comments and recommendations through his many years and he will be truly missed. Chairman Ford closed the meeting in recognition of Norm's passing.

ADJOURN – Chairman Ford adjourned the meeting at 10:15 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](http://sfgov.org/ethics).