

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**MINUTES**

Thursday, March 12, 2015  
1 Dr. Carlton B. Goodlett Place, Room 416  
San Francisco, CA

REGULAR MEETING  
9:30 a.m.

**BOARD OF DIRECTORS**

Greg Harper, Chair  
Mohammed Nuru, Vice Chair  
Jane Kim  
Marian Lee  
Edward Reiskin  
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

Chair Harper called the meeting to order at 9:30 a.m.

2. Roll Call

Secretary Gonzales announced that Director Sartipi would not be present due to a scheduling conflict and Director Kim was on her way.

Present: Jane Kim (*arrived during ED Report*)

Marian Lee

Ed Reiskin

Mohammed Nuru

Greg Harper

Absent: Bijan Sartipi

3. Communications

Secretary Gonzales announced that the Board will meet at 10:00 a.m. on April 9, 2015 versus their normal start time of 9:30 a.m. and an official notice would be distributed.

Director Lee announced the appointment of Jim Hartnett the new General Manager of the San Mateo County Transit District that oversees Caltrain, SamTrans and the San Mateo County Transportation Authority.

4. Board of Director's New and Old Business

Chair Harper stated that a presentation regarding a contra flow lane on the eastbound level of the Bay Bridge has been studied by the Metropolitan Transportation Commission and would be presented at a future meeting.

5. Executive Director's Report

- Construction Update
- Quarterly Financial Reports
- Phase 1 Budget Revision Schedule

Executive Director Ayerdi-Kaplan reported on a visit by Small Business Administrator Maria Contreras-Sweet on March 2, 2015 to learn more about the TJPA's robust small, local,

disadvantaged and veteran business enterprise outreach program. Paul Pendergast, Small Business lead team member, presented the Small Business Enterprise program update.

Steve Rule, Turner Construction, presented the Construction Update.

Craig Boyer, TJPA Financial Coordinator, presented the Quarterly Financial Reports.

Mark Zabaneh, TJPA Senior Program Manager, and Sara Gigliotti, TJPA Chief Financial Officer, presented the Phase 1 Budget Revision Schedule.

Executive Director Ayerdi-Kaplan also reported on the AC Transit double decker bus event held at the Temporary Transbay Terminal on February 27, 2015 to study a pilot program on the feasibility of the double decker buses. She confirmed the Temporary Transbay Terminal and the new Transbay Transit Center would be able to accommodate the double decker buses.

Phil Sandri, Program Management team, presented an update on the Amtrak bus service move into the Temporary Transbay Terminal.

Executive Director Ayerdi-Kaplan also announced that applications for High School Summer interns are being accepted through March 31, 2015 for 6-week internships in the TJPA and Program Management team offices that will begin on June 8, 2015.

## 6. Citizens Advisory Committee (CAC) Update

Ted Olsson, TJPA CAC Chair, conveyed his appreciation for the Small Business Enterprise presentation and requested it be presented at future CAC meeting. He acknowledged the retirement of Margie Cleland, Transbay team member and CAC support staff, and how she would be missed. He reported that in the Fall, Scott Boule plans to arrange for the police commander to present to the CAC regarding Vision Zero. He expressed the CAC's support of the Phase 1 budget revision schedule presented by Sara Gigliotti and Mark Zabaneh. He also mentioned sea level rise as a topic of discussion and wanted to make sure the center is protected.

Director Kim thanked the CAC for their support of Vision Zero and stated she would like to attend when the police commander attends the meeting Mr. Boule is planning for the Fall. She also suggested the CAC schedule discussion of traffic enforcement by SFMTA parking control officers and SFPD so residents can provide feedback on issues they observe.

## 7. Public Comment

Jim Patrick, Patrick and Company, provided comments about Bolt bus service that transports people to Los Angeles and suggested them as a potential tenant at the Temporary Transbay Terminal. Mr. Patrick also suggested a gondola be considered to take people and bikes from Treasure Island using the Bay Bridge structure to have the gondola land at the Transbay depot.

THE FOLLOWING MATTERS BEFORE THE TRANSBAY JOINT POWERS AUTHORITY ARE RECOMMENDED FOR ACTION AS STATED BY THE EXECUTIVE DIRECTOR OR THE CHAIR.

#### REGULAR CALENDAR

8. Approving an Amendment to Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture to execute a Trade Work subcontract with Southwest Specialty Contractors, in the amount of \$928,900 for the design services for TG08.6R1: Metal Ceilings Design-Build Services, thereby increasing authorized Direct Costs by \$928,900, and the authorized Construction Services Fixed Fee by \$70,596.

Mark Zabaneh, TJPA Senior Program Manager, presented the item.

No public comment.

RESOLUTION 15-004

On motion to approve:

ADOPTED: AYES – Kim, Lee, Reiskin, Nuru, and Harper

9. Authorizing the Executive Director to amend the Professional Services Agreements by increasing the budget authorization by \$2,000,000 for Legal Services with the bench of law firms providing services in their respective practice areas on an as-needed basis.

Sara Gigliotti, TJPA Chief Financial Officer, presented the item.

Director Reiskin inquired on whether there was more opportunity to utilize the SF City Attorney resource to be more cognizant of the budget since they are less expensive than some of the specialty law firms. Ms. Gigliotti confirmed the SF City Attorney is currently being used for several items and would continue to be utilized so long as they have the resources to support the TJPA's needs.

Chair Harper stated it was an odd position for SF City Attorney Dennis Herrera to be TJPA legal counsel because to him it did not seem Mr. Herrera had been acting like legal counsel and so Chair Harper met with the SF City Attorney's office including Mr. Herrera. Chair Harper confirmed that Mr. Herrera has no problem being legal counsel to TJPA and that it is the Board's decision to choose legal counsel. Chair Harper further stated that he spoke with Andrew Schwartz at Shute, Mihaly and Weinberger (SMW) who also confirmed he would be willing to fulfill the role of general counsel if the Board were to so choose. Chair Harper stated the Board needed to make a decision regarding whether the SF City Attorney or SMW is general counsel.

Director Reiskin stated the choice of General Counsel was already made in the constituting documents and the SF City Attorney is the TJPA's General Counsel which he would not support

changing. He encouraged greater participation from the SF City Attorney. He suggested the Board advise the Executive Director to follow up and engage with the SF City Attorney regarding clarity on his role as General Counsel.

Director Kim concurred with Director Reiskin regarding the SF City Attorney remaining as TJPA's legal counsel and stated clarity on their role as legal counsel would be beneficial.

Executive Director Ayerdi-Kaplan confirmed she would get the SF City Attorney more involved.

Director Lee requested background information be provided to help clarify.

No public comment.

#### RESOLUTION 15-005

On motion to approve:

ADOPTED: AYES – Kim, Lee, Reiskin, Nuru, and Harper

10. Approving the Minutes of the February 12, 2015 meeting.

No public comment.

On motion to approve:

ADOPTED: AYES – Kim, Lee, Nuru, and Harper  
ABSTAIN – Reiskin

#### RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

#### CLOSED SESSION

11. Call to Order

Chair Harper called the closed session to order at 10:45 a.m.

12. Roll Call

Present: Jane Kim  
Marian Lee  
Ed Reiskin  
Mohammed Nuru  
Greg Harper

Absent: Bijan Sartipi

13. CONFERENCE WITH LEGAL COUNSEL– SETTLEMENT OF EXISTING LITIGATION (Gov. Code section 54956.9(a))

Name of case: DND Construction v. Balfour Beatty Infrastructure, Inc., et al., San Francisco County Superior Court case no. CGC-12-525388

RESOLUTION 15-006

On motion to approve:

ADOPTED: AYES – Kim, Lee, Nuru, and Harper  
ABSENT – Reiskin

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 11:05 a.m.

14. Announcement of Closed Session.

Deborah Miller, TJPA Counsel, reported the Board by a vote of 4-0 approved the term of the settlement and authorized the TJPA to execute the settlement agreement and the TJPA is authorized to make payment of the settlement amount as specified in the settlement agreement and to take all other necessary actions as set forth in the settlement agreement to effectuate the terms of the settlement.

ADJOURN – Chair Harper adjourned the meeting at 11:10 a.m.

A recording 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 that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [Campaign and Gov't Conduct Code, Article II, Chapter 1, § 2.100, et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3124 and web site: [www.sfethics.org](http://www.sfethics.org).