



TRANSBAY JOINT POWERS AUTHORITY BOARD OF DIRECTORS

MINUTES

Thursday, May 10, 2012
1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA

REGULAR MEETING
9:30 a.m.

BOARD OF DIRECTORS

Jane Kim, Chair
Elsa Ortiz, Vice Chair
Art Lloyd
Gabriel Metcalf
Edward Reiskin
Bijan Sartipi

Executive Director
Maria Ayerdi-Kaplan

Secretary
Nila Gonzales

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San Francisco, California 94105
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9:30 – REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chair Kim called the meeting to order at 9:40 a.m.

2. Roll Call

Secretary Gonzales stated that Directors Metcalf and Sartipi were absent due to scheduling conflicts.

Present: Art Lloyd
Ed Reiskin
Elsa Ortiz
Jane Kim

Absent: Gabriel Metcalf
Bijan Sartipi

3. Communications

None.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Construction Update

Executive Director (ED) Ayerdi-Kaplan announced that on April 26, 2012 TJPA received a plaque acknowledging its status as a new member in the Calmentor program. Calmentor is a mentor-protégé program that Caltrans has established to help increase the participation of small Architectural and Engineering firms in public transportation projects in the Bay Area region. She also reported that the team is working to finalize the 100% Construction Documents by Fall and provided the status of issued bids noting that the Geothermal Loop and Grounding System were issued on April 3 with bids due on May 17 and the Below Grade Substructure is expected to be issued on May 14 with bids due about July 11.

Bob Beck, TJPA Senior Program Manager, presented further on the specifics of the packages currently issued and upcoming that ED Ayerdi-Kaplan announced.

Scott Boule, Legislative Affairs and Community Outreach Manager, reported that upcoming community meetings are scheduled on May 21 at 5:30 p.m. for the Bus Storage Facility and May 30 at 12 Noon for the regularly scheduled monthly community meeting both at the TJPA office.

Bob Beck, TJPA Senior Program Manager, presented the Construction Update.

6. Public Comment

Jim Patrick, Patrick & Co., provided comments on the Transit Center District Plan (TCDP) and expressed concerns regarding a disadvantage to affordable housing, office tenants, and regular housing. He then stated his concerns with accessibility to the park and made budgetary suggestions.

Chair Kim noted that the TCDP is currently being heard at the Planning Commission, where comments can be made, and the final EIR certification and plan adoption will be heard on May 24.

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. Presentation of and Public Hearing for draft Fiscal Year 2012-13 (FY 2012-13) Capital Budget in an Amount Not To Exceed \$223,671,000 and draft FY 2012-13 Operating Budget in an Amount Not To Exceed \$4,427,000.

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

No public comment.

8. Approving the recommended applicants to the Transbay Joint Powers Authority Citizens Advisory Committee.

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

Chair Kim stated she would be supporting all of the recommended applicants to the CAC with the exception of Ms. Boyle to the environmentalist seat due to the lack of environmental background on her resume and application.

A motion was made and seconded to amend the resolution to remove Sandra Boyle.

On motion to approve:

ADOPTED: AYES – Lloyd, Reiskin, Ortiz, and Kim

A motion was made and seconded to adopt the amended resolution.

RESOLUTION 12-009

On motion to approve:

ADOPTED: AYES – Lloyd, Reiskin, Ortiz, and Kim

Public Comment:

Jim Patrick, Patrick & Co., commented on reporting the TJPA's Citizens Advisory Committee meetings to the Board.

9. Approving a resolution authorizing execution of the Special District Risk Management Authority (SDRMA) Sixth Amended and Restated Joint Powers Agreement and authorizing participation in the SDRMA Workers' Compensation Program, and approve a resolution authorizing completion of the State of California Application for a Public Entity Certificate of Consent to Self Insure Workers' Compensation Liabilities.

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

No public comment.

RESOLUTION 12-010

On motion to approve:

ADOPTED: AYES – Lloyd, Reiskin, Ortiz, and Kim

10. Approving the Minutes of the April 12, 2012 meeting.

The minutes were continued.

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

Chair Kim called the closed session to order at 10:30 a.m.

2. Roll Call

Present: Art Lloyd
Ed Reiskin
Elsa Ortiz
Jane Kim

Absent: Gabriel Metcalf
Bijan Sartipi

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8)
and CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION (Gov. Code
section 54956.9(a))

(3.1) Property: 85 Natoma Street #1 (Block 3721, Lot 109)

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

Negotiating parties: TJPA; Patrick M. McNerney

Under negotiation: Price and terms of payment for TJPA's acquisition of property
interest in 85 Natoma Street #1

Name of case: *City and County of San Francisco v. Patrick M. McNerney, et al.*, San
Francisco Superior Court Case No. CGC-10-506784

(3.2) Property: 85 Natoma Street #2 (Block 3721, Lot 110)

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

Negotiating parties: TJPA; Steel Arc Properties LLC

Under negotiation: Price and terms of payment for TJPA's acquisition of property
interest in 85 Natoma Street #2

Name of case: *City and County of San Francisco v. Steel Arc Properties LLC, et al.*, San Francisco Superior Court Case No. CGC-10-506785

(3.3) Property: 85 Natoma Street #4 (Block 3721, Lot 112)

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

Negotiating parties: TJPA; Alyce M. Stanwood

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 85 Natoma Street #4

Name of case: *City and County of San Francisco v. Alyce M. Stanwood, et al.*, San Francisco Superior Court Case No. CGC-10-506787

(3.4) Property: 85 Natoma Street #C1 (Block 3721, Lot 118)

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

Negotiating parties: TJPA; Martin Properties, LLC

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 85 Natoma Street #C1

Name of case: *City and County of San Francisco v. Martin Properties, LLC, et al.*, San Francisco Superior Court Case No. CGC-10-506792

Deborah Miller, TJPA counsel, presented the items.

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 10:40 a.m.

11. Announcement of Closed Session.

Deborah Miller, TJPA Counsel, reported that the Board authorized the Executive Director to execute a Purchase and Sale Agreement with Patrick M. McNerney to purchase 85 Natoma #1 for \$1,370,000 and, upon successful closing of the purchase, authorized dismissal of the Eminent Domain Action; to execute a Purchase and Sale Agreement with Steel Arc Properties LLC to purchase 85 Natoma #2 for \$1,275,000 and, upon successful closing of the purchase, authorized

dismissal of the Eminent Domain Action; to execute a Purchase and Sale Agreement with Alyce M. Stanwood to purchase 85 Natoma #4 for \$893,000 and, upon successful closing of the purchase, authorized dismissal of the Eminent Domain Action; and, to execute a Purchase and Sale Agreement with Martin Properties LLC to purchase 85 Natoma #C1 for \$184,000 and, upon successful closing of the purchase, authorized dismissal of the Eminent Domain Action.

ADJOURN – Chair Kim adjourned the meeting at 10:45 a.m.

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 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.