



TRANSBAY JOINT POWERS AUTHORITY
Board of Directors

TRANSBAY JOINT POWERS AUTHORITY BOARD OF DIRECTORS

MINUTES

Thursday, July 11, 2013
1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA

REGULAR MEETING
9:30 a.m.

BOARD OF DIRECTORS

Jane Kim, Chair
Greg Harper
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 9:30 a.m.

2. Roll Call

Present: Greg Harper
Art Lloyd
Gabriel Metcalf
Ed Reiskin
Jane Kim

Absent: Bijan Sartipi

3. Communications

None.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Construction Update

Steve Rule, Turner Construction, presented the Construction Update.

6. Public Comment

Manny Flores, Carpenters Local 22, stated the efforts for students to enter the trades as a profession continues and he is working to relocate machinery from Roosevelt Middle School to John O'Connell High School to enhance the woodshop program. He thanked Chris Wood, John O'Connell High School's woodshop instructor, for his assistance. He welcomed others that wished to donate any equipment to contact Carpenters Local 22.

Jim Patrick, Patrick & Company, inquired whether there would be minutes from the last Board meeting and if they would be approved.

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. Approval of Revised Phase 1 Baseline Budget.

Robert Beck and Sara Gigliotti presented the item.

Director Reiskin suggested revisiting the budget to see if there are savings on the estimate once the evaluation by the contractors on the 100% Construction Documents is complete.

Director Metcalf stated he wants the Board to have greater oversight on the drawdown of contingencies. He expressed his support to approve the item with the condition that contingencies come to the Board.

Chair Kim requested that future projected cost increases be brought to the Board earlier. She advised Staff to reserve land sales as much as possible for Phase 2 and concurred with the comment for more control over the spend down of contingencies.

Public Comment:

Several members of the public spoke in support of the Revised Phase 1 Baseline Budget and urged the Board to approve the item. Members of the public that commented in support of the item were Joseph Scott (Laborers Local 261), Andrew Brooks (TJPA CAC Chair), Paul Pendergast (Pendergast Consulting), George Lawson (Lawson Drayage), Kavinder Singh (Turner Construction), Kevin Wagner (URS), Oscar Zavaleta (Montez Group), Julie Berry (Cal-Con Pumping), Jes Pedersen (Webcor), HT Tran (Anvil Builders), Manny Flores (Carpenters Local 22), Derf Butler (Butler Enterprise & Co-Chair of SF African American Chamber of Commerce Construction Advisory Committee), Luis Zurinaga (SF County Transportation Authority), Dots Oyenuga (Analysis & Solutions Consultants), Michael Theriault (SF Building & Construction Trades Council), Danny Campbell (Sheet Metal Workers Local 104), Charley Lavery (Operating Engineers Local 3), Catheryn Lytle (Operating Engineers Local 3), Terry Dunnigan (Ironworkers Local 377), and Luz Maria Rodriguez (Electrical Workers Local 6).

Roland Lebrun expressed his concerns about moving funding from Phase 2, restructuring of the TIFIA loan, and the Risk and Vulnerability Assessment (RVA) portion of the budget.

Director Harper proposed an amendment to the resolution for staff to present in four months two value engineered alternatives to the RVA. Executive Director Ayerdi-Kaplan stated that each request for proposal asks contractors to provide value engineering ideas. Director Reiskin proposed an amendment to Director Harper's proposal. Director Reiskin's proposed amendment to the resolution requires staff to bring value engineering options received in all subsequently awarded packages to the Board. Chair Kim stated she would second Director Reiskin's proposed

amendment to the resolution with a proposed additional amendment to the resolution so that draws on contingencies and program reserves are brought back to the Board. [Subsequent to the Board meeting, staff delivered to the Board a memorandum describing how, consistent with the TJPA's policies and procedures, staff will implement Chair Kim's amendment to the resolution.]

RESOLUTION 13-020, as amended

On motion to approve:

ADOPTED: AYES – Harper, Lloyd, Reiskin, and Kim
ABSENT – Metcalf

8. Approving an Amendment to Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi to execute a Trade Work subcontract to Skanska USA Civil West California District as the responsible bidder submitting the lowest responsive bid in the amount of \$189,107,936 for the TG07.1R: Structural Steel Superstructure Package, thereby increasing authorized Direct Costs by \$189,107,936 and increasing the authorized Construction Services Fixed Fee by \$15,506,850.75.

Public Comment:

Dennis Meakin, Ironworkers Local 377, expressed his support of the project.

RESOLUTION 13-021

On motion to approve:

ADOPTED: AYES – Harper, Lloyd, Reiskin, and Kim
ABSENT – Metcalf

9. Authorizing the Executive Director to execute Amendment No. 1 to Agreement No. 12-01-CAST-000 with Cast Connex Corporation to add new work scope and increase the existing budget of \$1,200,000 by \$510,000 to a total not-to-exceed lump sum budget of \$1,710,000 for engineering support and casting production oversight of the architecturally exposed structural steel cast nodes.

No public comment.

RESOLUTION 13-022

On motion to approve:

ADOPTED: AYES – Harper, Lloyd, Reiskin, and Kim
ABSENT – Metcalf

10. Approving the Resolution of Local Support to authorize the filing of an application for Federal Highway Administration Regional Discretionary Funding assigned to MTC for the allocation of OneBayArea Grant Program funds in the amount of \$6,000,000.

No public comment.

RESOLUTION 13-023

On motion to approve:

ADOPTED: AYES – Harper, Lloyd, Reiskin, and Kim
ABSENT – Metcalf

11. Authorizing the Executive Director to execute amendments to extend Agreements for State Advocacy Services with Mercury LLC and Townsend Public Affairs for one year each and additional compensation of \$102,000 each.

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

No public comment.

RESOLUTION 13-024

On motion to approve:

ADOPTED: AYES – Harper, Lloyd, Reiskin, and Kim
ABSENT – Metcalf

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

12. Call to Order

Chair Kim called the closed session to order at 11:55 a.m.

13. Roll Call

Present: Greg Harper
Art Lloyd
Ed Reiskin
Jane Kim

Absent: Gabriel Metcalf
Bijan Sartipi

14. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8) and CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Gov. Code section 54956.9(a) and 54956.9(d)(1))

(14.1)

Property: 13 parking easement interests benefitting Assessor's Block No. 3721, Lot Nos. 092-105 (also commonly known as 580 Howard Street Units 101, 102, 201, 202, 203, 204, 301, 302, 303, 304, 401, 402, 403, and 403) and burdening Assessor's Block 3721, Lot Nos. 109-118 (also commonly known as 85 Natoma Street Units #1, 2, 3, 4, 5, 6, 7, 8, 9, and C1)

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

Negotiating parties: TJPA; Howard Historic Properties, LLC

Under negotiation: Price and terms of payment for TJPA's acquisition of 13 parking easement interests benefitting 580 Howard Street

Name of case: City and County of San Francisco v. Howard Historic Properties, LLC, et al., San Francisco Superior Court Case No. CGC-10-506783

RESOLUTION 13-025

On motion to approve:

ADOPTED: AYES – Harper, Lloyd, Reiskin, and Kim
ABSENT – Metcalf

(14.2)

Property: 564 Howard Street (Block 3721, Lot 019)

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

Negotiating parties: TJPA; 564 Howard Street, LLC

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 564 Howard Street

Name of case: City and County of San Francisco v. 564 Howard Street, LLC, et al., San Francisco Superior Court Case No. 10-506781

(14.3)

Property: 568 Howard Street (Block 3721, Lot 020)

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

Negotiating parties: TJPA; InvesMaster Corporation

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 568 Howard Street

Name of case: City and County of San Francisco v. InvesMaster Corporation, et al., San Francisco Superior Court Case No. 10-506782

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING – The Closed Session was adjourned at 12:05 p.m.

15. Announcement of Closed Session.

Deborah Miller, TJPA Counsel, reported in regards to Item 14.1 the Board unanimously approved to authorize the Executive Director to execute an Agreement of Sale, Assignment, and Conveyance of Interests in Easement with Howard Historic Properties for \$1,300,000 and that upon successful closing of the purchase of the Property the Board authorizes dismissal of the Eminent Domain Action and the recording of a memorandum describing the terms of the parties' agreement regarding the value of the 14 condominiums in 580 Howard in any future eminent domain action to acquire the same. She also stated that there was no action to report on Items 14.2 and 14.3.

ADJOURN – Chair Kim adjourned the meeting at 12:10 p.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.

