



TRANSBAY JOINT POWERS AUTHORITY BOARD OF DIRECTORS

MINUTES

Monday, May 20, 2013
1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA

SPECIAL MEETING
9:00 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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9:00 – SPECIAL MEETING

ORDER OF BUSINESS

1. Call to Order

Chair Kim called the meeting to order at 9:10 a.m.

2. Roll Call

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

3. Communications

None.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

- Construction Update

Executive Director Ayerdi-Kaplan reported that the steel bid package was split into three packages and put back out to bid with bids due on June 20th and recommendation to the Board anticipated at the July 11th meeting in order to stay on schedule. She also stated 100% CDs are on schedule to be delivered by Pelli Clarke Pelli Architects on May 31st with the IT components coming later.

Steve Rule, Turner Construction, presented the Construction Update.

6. Public Comment

Roland Lebrun provided comments regarding the supplemental EIR, which he also provided at the scoping meeting, and management of the agency.

Jim Patrick, Patrick & Company, commented on the west end exit of the Transbay Transit Center and proposed his own plan. He provided the Board with a letter describing his proposal.

Florence Kong, President of Build Bayview, expressed concerns about the rebid of the steel package dropping the SBE/DBE/LBE goal from 23% to 12%.

Manny Flores, Carpenters Local 22, thanked Executive Director Ayerdi-Kaplan for her kind words during the Construction Update and expressed his gratitude to her and her staff, Nila and Sara, for working with Local 22 to make the program of reaching out to youth as successful as possible.

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

Chair Kim asked the Board to hear items 7 and 8 after items 9 and 10. The Board did not oppose.

SPECIAL CALENDAR

7. Presentation of and Public Hearing for draft Fiscal Year 2013-14 (FY 2013-14) Capital Budget in an amount not to exceed \$282,814,000 and draft FY 2013-14 Operating Budget in an amount not to exceed \$5,612,895.

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

No public comment.

8. Approving the Operating Assistance Proposal dated April 30, 2013 and a Resolution of Project Compliance for the allocation of Regional Measure 2 Funds in an amount not to exceed \$4,231,795 for the Transbay Transit Center Program.

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

No public comment.

RESOLUTION 13-012

On motion to approve:

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

9. Approving an Amendment to Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture to award a Purchase Order to Bradken, Inc. for the Cast Nodes to be supplied to TG07.1R: Structural Steel Superstructure Package, thereby increasing authorized Direct Costs by \$17,085,547.20 and increasing the authorized Construction Services Fixed Fee by \$1,401,014.87.

Steve Humphreys, Webcor/Obayashi, presented the item.

No public comment.

RESOLUTION 13-013

On motion to approve:

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

10. Approving the Minutes of the April 11, 2013 meeting.

No public comment.

On motion to approve:

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

The minutes were approved.

RECESS SPECIAL MEETING AND CONVENE CLOSED SESSION

Roland Lebrun provided comments on item 15 listed for discussion in Closed Session.

CLOSED SESSION

11. Call to Order

Chair Kim called the closed session to order at 9:45 a.m.

12. Roll Call

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

13. 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))

(13.1) Property: 85 Natoma Street #9 (Block 3721, Lot 117)

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

Negotiating parties: TJPA; Wendy Roess-DeCenzo and Christopher John DeCenzo

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 85 Natoma Street #9

Name of case: City and County of San Francisco v. Wendy Roess-DeCenzo, et al., San Francisco Superior Court Case No. CGC-10-506790

RESOLUTION 13-014

On motion to approve:

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

(13.2) Property: 60 Tehama Street (Block 3736, Lot 88)

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

Negotiating parties: TJPA; Peter F. Byrne, Trustee of The Peter F. Byrne Revocable Trust Dated 12/5/07

Under negotiation: Price and terms of payment for TJPA's acquisition of property interest in 60 Tehama Street

Name of case: City and County of San Francisco v. Peter F. Byrne, Trustee of the Peter F. Byrne Revocable Trust Dated 12/5/07, et al., Case No. 10-506780

RESOLUTION 13-015

On motion to approve:

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

14. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Gov. Code section 54956.9(a) and 54956.9(d)(1))

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

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

PROCESS FOR PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Executive Director

ADJOURN CLOSED SESSION AND RECONVENE SPECIAL MEETING – The Closed Session was adjourned at 10:50 a.m.

16. Announcement of Closed Session.

Deborah Miller, TJPA Counsel, reported in regards to Item 13.1 the Board unanimously authorized the Executive Director to execute a Purchase and Sale Agreement with Wendy Roess-DeCenzo and Christopher John DeCenzo to purchase 85 Natoma #9 for \$3,632,390 and upon successful closing of the purchase of the Property the TJPA Board authorized dismissal of the Eminent Domain Action; in regards to Item 13.2 the Board unanimously authorized the Executive Director to execute a Purchase and Sale Agreement with Peter F. Byrne, Trustee of the Peter F. Byrne Revocable Trust Dated 12/5/07 to purchase 60 Tehama for \$1,432,500 and upon successful closing of the purchase of the Property the TJPA Board authorized dismissal of the Eminent Domain Action; as to Item 14, there is no action to report; and, as to Item 15 there is no action to report.

17. Authorizing the Executive Director to execute a Dispute Resolution Board (DRB) Agreement with Webcor/Obayashi Joint Venture in order to implement the DRB procedure to address any requests by Balfour Beatty Infrastructure for additional compensation and/or time related to the performance of its work.

Mike McKeeman, TJPA Counsel, presented the item.

No public comment.

RESOLUTION 13-016

On motion to approve:

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

ADJOURN – Chair Kim adjourned the meeting at 11:55 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.