



Metropolitan Transportation Commission Meeting Minutes

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Metropolitan Transportation Commission

Dave Cortese, Chair Jake Mackenzie, Vice Chair

Wednesday, May 25, 2016

10:15 AM

The Board Room - 1st Floor

1. Roll Call / Confirm Quorum

Present: 17 - Chairperson Cortese, Vice Chair Mackenzie, Commissioner Aguirre, Commissioner Baker, Commissioner Bates, Commissioner Campos, Commissioner Glover, Commissioner Haggerty, Commissioner Halsted, Commissioner Kinsey, Commissioner Liccardo, Commissioner Luce, Commissioner Pierce, Commissioner Rein Worth, Commissioner Spering, Commissioner Tissier, and Commissioner Wiener

Absent: 1 - Commissioner Schaaf

Non- Voting Member Present: Commissioner Giacopini

Non-Voting Members Absent: Commissioner Azumbrado and Commissioner Sartipi

2. Chair's Report – Cortese

2a. Welcome to 375 Beale Street/Appreciation Remarks

- 2b. [15-1591](#) Resolution No. 4237 - Resolution of Appreciation to Valerie Knepper on the Occasion of her Retirement from MTC after 32 years of service.

Action: Commission Approval

Upon the motion by Commissioner Spering and second by Commissioner Worth, Resolution No. 4237 was unanimously adopted. The motion carried by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

3. Policy Advisory Council Report – Castellanos

4. Executive Director's Report – Heminger

5. Commissioner Comments

6. Consent Calendar:

Approval of the Consent Calendar

Upon the motion by Commissioner Tissier and second by Commissioner Halsted, the Consent Calendar was unanimously approved by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

6a. [15-1590](#) Minutes - April 27, 2016

Administration Committee

6b. [15-1415](#) MTC Resolution No. 1198, Revised. Revisions to MTC's Conflict of Interest Code to update list of designated positions - Release for Public Comment

Action: Commission Approval

6c. [15-1561](#) MTC Resolution 4181, Revised - FY 2015-16 MTC Agency Budget

Action: Commission Approval

Programming and Allocations Committee

6d. [15-1553](#) MTC Resolution No. 3914, Revised. Rescission of \$1.1 million in AB 1171 capital funds from the right-of-way phase of the I-80/680/12 Interchange Initial Construction Package #1 project, and allocation of \$1.1 million in AB 1171 capital funds to the final design phase of I-80/680/12 Interchange Initial Construction Package #2 and Package #3 project, in Solano County.

Action: Commission Approval

6e. [15-1446](#) MTC Resolution Nos. 3925, Revised and 4035, Revised. Revisions to the Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMAQ) One Bay Area Grant (OBAG1) program to redirect unobligated balances and cost savings within the Freeway Performance Initiative (FPI) program and Regional Priority Development Area (PDA) Program.

Action: Commission Approval

6f. [15-1425](#) MTC Resolution No. 4172, Revised. Revision to Cycle 2 Regional Active Transportation Program (ATP) Program of Projects to reflect project eligibility determinations by Caltrans.

Action: Commission Approval

- 6g. [15-1536](#) MTC Resolution No. 4175, Revised. 2015 Transportation Improvement Program (TIP) Amendment 2015-30.
Action: Commission Approval
- 6h. [15-1538](#) MTC Resolution No. 4179, Revised. Revisions to the Lifeline Transportation Cycle 4 Program in Marin County.
Action: Commission Approval
- 6i. [15-1544](#) MTC Resolution Nos 3916, Revised, 4035, Revised, and 4212, Revised. Minor revisions to FY2010-11 and FY2015-16 Transit Capital Priorities programs.
Action: Commission Approval
- 6j. [15-1545](#) MTC Resolution Nos. 4213, Revised and 4214. Revisions to AB 664 bridge toll funds program and allocations for FY 2015-16 for transit capital replacement and rehabilitation projects.
Action: Commission Approval
- 6k. [15-1573](#) MTC Resolution No. 4235. Approval of the FY 2016-17 State Transit Assistance (STA) Regional Coordination Program.
Action: Commission Approval

Operations Committee

- 6l. [15-1501](#) MTC Resolution No. 4226: Right of Way Certification Authority for MTC Projects
Action: Commission Approval

Legislation Committee

- 6m. [15-1559](#) AB 2292 (Gordon): Disadvantaged Communities/CalEnviroScreen Definition

Require the agency, no later than July 1, 2017, to update the California Communities Environmental Health Screening to include specified factors when identifying disadvantaged communities for investment opportunities related to the 3-year investment plan.

Action: Support and Seek Amendment / Commission Approval

- 6n. [15-1571](#) AB 2014 (Melendez): Freeway Service Patrol

Requires the Department of Transportation to provide a regular Freeway Service Patrol program assessment to the Legislature.

Action: Support / Commission Approval

Committee Reports

7. Programming and Allocations Committee – Wiener

- 7a. [15-1424](#) MTC Resolution No. 4220, Revised. Revision to the FY 2016-17 MTC Fund Estimate.

Revision to the FY 2016-17 MTC Fund Estimate to incorporate State Transit Assistance (STA) Revenue-Based funding for transit operators based upon updated distribution methodology used by the State Controller's Office (SCO) and to incorporate adjustments to Transportation Development Act (TDA) balances to reflect transfers between TDA fund types.

Action: Commission Approval

Upon the motion by Commissioner Wiener and second by Commissioner Spering, the Commission unanimously adopted Resolution No. 4220, Revised. The motion carried by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

- 7b. [15-1543](#) MTC Resolution Nos. 4185, Revised and 4228. Revision to FY2015-16 Regional Measure 2 (RM2) Operating Program and RM2 Operating Program for FY2016-17.

(i) This item revises the FY2015-16 Regional Measure 2 (RM2) Operating Program to identify remaining Express Bus North programming, update the marketing program, add funds for the LAVTA Rapid, and make other minor adjustments

(ii) This item programs roughly \$46 million in RM2 funds for the FY2016-17 RM2 Operating Program and RM2 marketing and includes recommendations to continue funding for the DB1 and South San Francisco Ferry which have not met RM2 required farebox recovery standards.

Action: Commission Approval

Upon the motion by Commissioner Wiener and second by Commissioner Bates, the Commission unanimously adopted Resolution Nos. 4185, Revised and 4228. The motion carried by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

- 7c. [15-1539](#) MTC Resolution No. 4035, Revised. Transit Performance Initiative (TPI) Incentive Program - FY2015-16 Round 4 Program of Projects.

Approve the fourth and last round of the TPI - Incentive Program of Projects, totaling \$23.5 million in STP/CMAQ funds to transit operators in the region.

Action: Commission Approval

Upon the motion by Commissioner Wiener and second by Commissioner Glover, the Commission unanimously adopted Resolution No. 4035 Revised. The motion carried by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

8. Legislation Committee - Aguirre

8a. [15-1576](#) Solano County Measures G and H

Five-year 0.5 percent general sales tax (Measure H), with advisory measure (Measure G) to invest funds in local street and road, safety, and senior / disabled mobility projects.

Action: Support / Commission Approval

Upon the motion by Commissioner Aguirre and second by Commissioner Spering, the Commission unanimously adopted a support position on Solano County Measures G and H. The motion carried by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

8b. [15-1585](#) Affordable Housing: FY 2016-17 Budget Request; SB 1069 (Wieckowski), AB 2441 (Thurmond), AB 2502 (Mullin); SB 1053 (Leno)

Action: Support / Support / Support / Support / Commission Approval

Upon the motion by Commissioner Aguirre and second by Commissioner Spering, the Commission unanimously adopted a support position on the FY 2016-17 Budget Request for housing assistance. The motion carried by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

Upon the motion by Commissioner Aguirre and second by Commissioner Bates, the Commission adopted a support if amended position on Senate Bill 1069 (Wieckowski). The motion carried with the following vote:

Present: 17 - Chairperson Cortese, Vice Chair Mackenzie, Commissioner Aguirre, Commissioner Baker, Commissioner Bates, Commissioner Campos, Commissioner Glover, Commissioner Haggerty, Commissioner Halsted, Commissioner Kinsey, Commissioner Liccardo, Commissioner Luce, Commissioner Pierce, Commissioner Rein Worth, Commissioner Spering, Commissioner Tissier, and Commissioner Wiener

Absent: 1 - Commissioner Schaaf

Upon the motion by Commissioner Aguirre and second by Commissioner Luce, the Commission unanimously adopted a support position on Assembly Bill 2441 (Thurmond). The motion carried by the following vote:

- Present:** 17 - Chairperson Cortese, Vice Chair Mackenzie, Commissioner Aguirre, Commissioner Baker, Commissioner Bates, Commissioner Campos, Commissioner Glover, Commissioner Haggerty, Commissioner Halsted, Commissioner Kinsey, Commissioner Liccardo, Commissioner Luce, Commissioner Pierce, Commissioner Rein Worth, Commissioner Spering, Commissioner Tissier, and Commissioner Wiener
- Absent:** 1 - Commissioner Schaaf

Upon the motion by Commissioner Aguirre and second by Commissioner Tissier, the Commission unanimously adopted a support position on Assembly Bill 2502 (Mullin). The motion carried by the following vote:

- Present:** 17 - Chairperson Cortese, Vice Chair Mackenzie, Commissioner Aguirre, Commissioner Baker, Commissioner Bates, Commissioner Campos, Commissioner Glover, Commissioner Haggerty, Commissioner Halsted, Commissioner Kinsey, Commissioner Liccardo, Commissioner Luce, Commissioner Pierce, Commissioner Rein Worth, Commissioner Spering, Commissioner Tissier, and Commissioner Wiener
- Absent:** 1 - Commissioner Schaaf

Upon the motion by Commissioner Aguirre and second by Commissioner Tissier, the Commission unanimously adopted a support position on Senate Bill 1053 (Leno). The motion carried by the following vote:

- Aye:** 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener
- Absent:** 1 - Schaaf

8c. [15-1574](#) State Transit Assistance Clean-Up Bill

Distribution of Revenue-Based Funds.

Action: Support / Commission Approval

Upon the motion by Commissioner Aguirre and second by Vice Chair Mackenzie, the Commission unanimously adopted a support position on the State Transit Assistance Budget Trailer Bill and a Long-Term Policy. The motion carried by the following vote:

- Aye:** 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener
- Absent:** 1 - Schaaf

9. Planning Committee - Spering

- 9a. [15-1663](#) Plan Bay Area 2040 Project Performance Assessment: Final Performance Results and Guidelines for Applying Results.

Approval of the project performance guidance and performance thresholds.

Action: Commission Approval

Upon the motion by Commissioner Spering and second by Commissioner Halsted, the Commission unanimously approved the Plan Bay Area 2040 Project Performance Guidelines and Performance Thresholds.. The motion carried by the following vote:

Aye: 17 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 1 - Schaaf

10. Special Joint MTC Planning/ABAG Administrative Committee - Spering

- 10a. [15-1662](#) MTC Resolution No. 4245. MTC/ABAG Merger Study Recommendation.

Consider Policy Support for Merger Study Report Option 7, Consolidation of all MTC and ABAG staff Functions within MTC and Pursuit of New Governance Options.

Action: Commission Approval

Upon the motion by Commissioner Spering and second by Commissioner Halsted, the Commission unanimously adopted Resolution No. 4245 as amended to replace the word pursuit to consideration throughout the resolution.

Aye: 16 - Cortese, Mackenzie, Aguirre, Baker, Bates, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 2 - Campos and Schaaf

Closed Session

11. [15-1528](#) Closed Session - Conference with Real Property Negotiators
MTC will meet in Closed Session pursuant to Government Code Section 54956.8: to confer with real property negotiators to discuss a potential commercial purchase and sale agreement as follows:
Property: 101 - 8th Street, the MTC Condominium Unit consisting of the entire 2nd and 3rd floors and the ABAG Condominium Unit consisting of a portion of the 1st floor, subject to MTC/BAHA acquiring the unit, and the Cafeteria, Meeting, Parking and Library Tenancy in Common units, Oakland, CA 94607
Agency Negotiators:
For MTC: Metropolitan Transportation Commission, Cushman & Wakefield
· MTC Negotiators: Steve Heminger, Executive Director, Andrew Fremier, Deputy Executive Director, Brian Mayhew, Chief Financial Officer, Teri Green, Director
· Cushman & Wakefield Negotiators: Mark McGranahan, Managing Broker and Ryan Hattersly, Executive Director

Negotiating Parties: MTC with broker Cushman & Wakefield and East Bay Asian Local Development Corporation for itself, Asian Health Services (AHS), an AHS affiliate, and/or a joint venture formed by East Bay Asian Local Development Corporation and AHS and/or its affiliate (collectively, "EBALDC") with advisor Carolyn E. Johnson and counsel Goldfarb & Lipman LLP
Under Negotiation: Both price and terms

12. [15-1529](#) Closed Session - Conference with Real Property Negotiators
MTC will meet in Closed Session pursuant to Government Code Section 54956.8: to confer with real property negotiators to discuss a potential commercial purchase and sale agreement opportunity as follows:
Property: 101 - 8th Street, the MTC Condominium Unit consisting of the entire 2nd and 3rd floors and the ABAG Condominium Unit consisting of a portion of the 1st floor, subject to MTC/BAHA acquiring the unit, and the Cafeteria, Meeting, Parking and Library Tenancy in Common units, Oakland, CA 94607
Agency negotiators:
For MTC: Metropolitan Transportation Commission, Cushman & Wakefield
· MTC Negotiators: Steve Heminger, Executive Director, Andrew Fremier, Deputy Executive Director, Brian Mayhew, Chief Financial Officer, Teri Green, Director
· Cushman & Wakefield Negotiators: Mark McGranahan, Managing Broker and Ryan Hattersly, Executive Director

Negotiating Parties: MTC with broker Cushman & Wakefield and the San Francisco Bay Area Rapid Transit District
Under Negotiation: Both price and terms
13. [15-1530](#) Closed Session - Conference with Real Property Negotiators
MTC will meet in Closed Session pursuant to Government Code Section 54956.8: to confer with real property negotiators to discuss a potential commercial purchase and sale agreement opportunity as follows:
Property: 101 - 8th Street, the MTC Condominium Unit consisting of ground floor Space G-5, Oakland, CA 94607
Agency negotiators:
For MTC: Metropolitan Transportation Commission, Cushman & Wakefield
· MTC Negotiators: Steve Heminger, Executive Director, Andrew Fremier, Deputy Executive Director, Brian Mayhew, Chief Financial Officer, Teri Green, Director
· Cushman & Wakefield Negotiators: Mark McGranahan, Managing Broker and Ryan Hattersly, Executive Director

Negotiating Parties: MTC with broker Cushman & Wakefield and the San Francisco Bay Area Rapid Transit District
Under Negotiation: Both price and terms

Open Session

14. [15-1531](#) Open Session - Authority to enter into a purchase and sale agreement with EBALDC for entire 2nd and 3rd floors and the Cafeteria, Parking, Meeting and Library Tenancy in Common Units, as well as the ABAG Condominium Unit consisting of a portion of the 1st floor, subject to MTC/BAHA acquiring the ABAG Unit, all located at 101 - 8th Street, Oakland, CA 94607.

Action: Commission Approval

15. [15-1532](#) Open Session - Authority to enter into purchase and sale agreement with the San Francisco Bay Area Rapid Transit District for the entire 2nd and 3rd floors, and the Cafeteria, Parking, Meeting and Library Tenancy in Common Units, as well as the ABAG Condominium Unit consisting of a portion of the 1st floor, subject to MTC/BAHA acquiring the ABAG Unit, all located at 101 - 8th Street, Oakland, CA 94607.

Action: Commission Approval

16. [15-1533](#) Open Session - Authority to enter into purchase and sale agreement with the San Francisco Bay Area Rapid Transit District for the ground floor Space G-5, located at 101 - 8th Street, Oakland, CA 94607.

Action: Commission Approval

The Commission reconvened in open session. Chair Cortese asked General Counsel Adrienne Weil to report on the Closed Session actions. General Counsel reported that the Commission unanimously authorized to negotiate and enter into a purchase sale agreement with the Bay Area Rapid Transit District for entire 2nd and 3rd floors and the Cafeteria, Parking, Meeting and Library Tenancy in Common Units, as well as the ABAG Condominium Unit consisting of a portion of the 1st floor, subject to MTC/BAHA acquiring the ABAG Unit as well as Space G-5, all located at 101 - 8th Street, Oakland, CA 94607.

17. Other Business / Public Comment

18. Adjournment / Next Meeting

The next meeting of the Commission will be held on Wednesday, June 22, 2016 at 9:30 a.m. in the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.

Dave Cortese, Chair