

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(December 4, 2008)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA offices at Pier 9, San Francisco, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:10 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows and Director John O'Rourke. Director Intintoli led the Pledge of Allegiance. Director Beverly Johnson arrived at 1:30 p.m.

2. REPORT OF BOARD CHAIR

Chair Johnson reported that the City of Vallejo had authorized dismissal of their suit against WETA. She also noted that the South San Francisco terminal lease was nearing completion with only a few minor issues left to resolve. Lastly, she reported on the successful November 8th trip by WETA board and staff to the boatyard in Seattle. Vice Chair Intintoli and Director Bellows added that they participated in this trip as well.

3. REPORT OF DIRECTORS

Director Johnson noted the recent article about *Gemini* in the San Francisco Chronicle by Carl Nolte and that both she and her mother were excited to see the boat. Director Bellows added that on the visit to Seattle he was pleased by how smoothly *Gemini* rides, and added that he was impressed by seeing the progress of *Pisces* which was also under construction at the boatyard.

4. REPORTS OF STAFF

Executive Director Jon Stanley reported on the arrival of *Gemini* on November 25th. He noted that three WETA staffers were onboard for *Gemini's* arrival in the bay and that Manager of Marine Engineering Mary Culnane was currently at Bay Ship & Yacht shipyard supervising the resolution of the final punch list items before formally accepting the boat.

Mr. Stanley added that a bareboat charter agreement with the Oakland/Alameda service had been executed and that *Gemini* would begin service in January on that route, following receipt of a COI from the US Coast Guard and training of the operating crews.

Mr. Stanley also reported that a public hearing had been held in Berkeley on the EIR/EIS on November 18th to solicit comments on the Draft EIR/EIS and that this would be discussed later in the meeting by Manager of Planning and Development John Sindzinski.

Regarding progress on the Transition Plan, Mr. Stanley noted that staff had continued with working group meetings in Vallejo and Alameda during November and that the next core team meeting was scheduled for the upcoming week. He added that the goal remained to have a draft plan by February 1st for a WETA review prior to holding public hearings on the plan.

Mr. Stanley concluded with congratulations to the staff and board for making the dream of new boats a reality.

5. REPORTS OF STAFF

Manager of Community Relations Shirley Douglas reported that the Gemini Christening events planned for December 12 were moving forward and that she had heard many excited reactions about the boat from Alameda/Oakland ferry riders who had seen Gemini in dry dock in Alameda.

Ms. Douglas stated that the press conference before the christening at Gate E would include Congresswoman Barbara Lee, Matthew Bettenhausen of the Governor's Office of Homeland Security and Diane Howard, Vice Mayor of Redwood City and Chair of the WETA Community Advisory Committee. She added that other speakers were yet to be confirmed but it was still possible that Senator Feinstein and Governor Schwarzenegger may attend. Ms. Douglas said that media outreach would continue over the next week and noted the recent article in the Chronicle as an example of the interest in Gemini.

Ms. Douglas reiterated that the press conference would be followed by a VIP luncheon, followed by an open house and later a WETA holiday party at Pier 41, and that plans for each of the events were shaping up. She noted that Gemini would remain docked for all events and that it would be a busy and exciting day.

6. CONSENT CALENDAR

Director Johnson made a motion to approve the minutes from the November 6, 2008 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

7. EXPANSION OF FERRY BERTHS AT THE DOWNTOWN FERRY TERMINAL SITE

Manager of Planning and Development John Sindzinski presented this item regarding the negotiation and execution of a Memorandum of Understanding (MOU) with the Port of San Francisco concerning the expansion of ferry berths at the downtown ferry terminal site. He reviewed the imperative for increased docking capacity at the Ferry Building in order to meet the needs of WETA's planned commuter services and for emergency response.

Director Johnson noted a concern over potential costs resulting from the MOU. She suggested that the Board authorize staff to negotiate an MOU that would later be brought back to the board for approval before any resulting financial commitments were entered into.

Public Comment:

Reinhard Ludke of C+D Engineers noted that his firm was working with Golden Gate Bridge, Highway and Transportation District on projects related to their facilities at the Ferry Building and asked how those projects might be impacted and who would be responsible for procurement of contracts for the WETA projects. Mr. Sindzinski replied that the later would be done by WETA. A representative of the Port of San Francisco responded regarding the impact of other projects that the Port would be addressing implementation of the Waterfront Land Use Plan at a meeting to be held the following Tuesday.

Vice Chair Intintoli made a motion to approve the item with the provision that no costs be incurred without board approval. Director Bellows seconded the motion and the item carried unanimously.

8. PROCUREMENT OF CONTRACTORS FOR THE CONSTRUCTION OF THE SOUTH SAN FRANCISCO FERRY TERMINAL

Mr. Sindzinski presented this item regarding approval to release procurement documents for the construction of the Authority's first ferry terminal at Oyster Point in South San Francisco. He noted that with the lease agreement nearly finalized that the process to begin terminal construction needed to be expedited in order to meet a target of completion by Fall 2010.

Director Johnson asked Mr. Sindzinski to clarify "procurement" and \$20 million for construction. Mr. Sindzinski reviewed the background of the South San Francisco terminal project and noted that the documents would be issued solely to procure proposals from contractors for each of the three elements of the construction: the demolition of existing piers and dredging; the fabrication, delivery and installation of the float and gangway; and the actual construction of the terminal structure. He clarified that the \$20 million was an estimate only and that issuing the procurement documents was not a cost item. He further noted that as stated in the item the actual contract awards for each of the three construction elements would come back to the board for approval.

Director Johnson asked that additional detail be provided for similar items in the future. Director O'Rourke asked for more information on the "Buy American" waiver and if this was something WETA could take a second look at. Regarding the waiver, Mr. Sindzinski responded that the cost and wait time for US made steel might mean that the waiver could be included in all of the contractors' proposals. Director O'Rourke suggested that he was willing to assist where needed.

Public Comment:

Reinhard Ludke of C+D Engineers asked if the award of contracts would be based on price. Mr. Sindzinski replied that consideration of the proposals would be weighted on several factors including expense, viability and so forth. Mr. Ludke asked if he could see further details of the procurement documents at this time. Mr. Sindzinski responded that the documents will be issued publicly to potential bidders via an extensive outreach followed by a six week window that would include a pre-bid conference. WETA counsel Stanley Taylor of Nossaman LLP reiterated that the documents would not be available until they are publicly released to all interested parties.

Vice Chair Intintoli made a motion to approve the item with the provision that no costs be incurred without board approval. Director O'Rourke seconded the motion and the item carried unanimously.

9. RFQ FOR TERMINAL DESIGN AND ENVIRONMENTAL SERVICES

Mr. Sindzinski presented this item regarding approval to release a Request for Qualifications for design services for ferry terminals including conceptual design in support of the environmental assessments of terminals in the cities of Antioch, Martinez, Redwood City and Richmond; final design of the Berkeley/Albany terminal; all design for Treasure Island and the downtown San Francisco ferry terminal expansion project, and to approve by motion the release of procurement documents for the environmental assessment of expanded ferry terminal and related facilities at the San Francisco Ferry terminal.

Vice Chair Intintoli suggested that Director Johnson's concern over the previous item may have been the use of the term "procurement documents," which was reiterated with the current item. Director Johnson agreed and said the term is too condensed.

Public Comment:

Reinhard Ludke of C+D Engineers asked who would administer the Treasure Island project. Mr. Sindzinski replied WETA.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots asked for background on the environmental documents and if there was a concern that these projects move ahead before operational funding was in place. Mr. Sindzinski responded that no funding was currently committed for many of these projects but that it is reasonable to proceed with doing this work now so that WETA is ready to move ahead when funding materializes.

Chair Johnson asked if the item was time sensitive. Mr. Sindzinski responded that it was, in particular for the Ferry Building project and the Treasure Island project.

Public Comment:

Alan Wolken of the Richmond Community Redevelopment Agency said that it was important for the City of Richmond to keep the project moving forward.

Vice Chair Intintoli suggested approving the item with the understanding that staff would come back with more details at an upcoming meeting and all agreed. Vice Chair Intintoli then made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

10. REPORT ON COMMENTS RECEIVED ON THE BERKELEY/ALBANY DRAFT EIR/EIS

Mr. Sindzinski presented this informational item with a report on comments received to date regarding the Draft EIR/EIS for the Berkeley/Albany ferry terminal and service. He discussed the public hearing held in Berkeley on November 18th and summarized the comments received to date, noting that the formal comment period would close on December 31st. He noted that suggestions for the preferred terminal location would be brought to the board at the meeting to be held in Berkeley on January 8th.

Vice Chair Intintoli asked regarding public meetings if board members should attend Transition Plan hearings. Mr. Stanley said that it was encouraged but not required. Board members agreed they should attend. Director Johnson said she would attend one held in Alameda. WETA counsel Stanley Taylor of Nossaman LLP noted that three or more board members in attendance would require agendaizing the meeting.

Public Comment:

Allan Maris, former member of the WTA Citizens Advisory Committee presented his comments on terminal locations which he agreed he would submit in writing for inclusion with other comments received on the DEIR/EIS.

Director Johnson asked Mr. Sindzinski which location was the current the preferred site. Mr. Sindzinski replied that it was inappropriate for staff to respond while the public comment period was still open, and that staff recommendations would be submitted to the board at a later date.

11. APPROVE PROPOSITION 1B PROGRAM OF PROJECTS AND AUTHORIZE AGENCY OFFICIALS TO EXECUTE PROGRAM REQUIREMENTS

Deputy Director of Finance and Administration Nina Rannells presented this item requesting the board to approve a list of FY 2008/09 Proposition 1B Waterborne program projects for transmittal to the State Office of Homeland Security, and to authorize the Executive Director,

Attorney and Deputy Director of Finance and Administration to execute the grant program actions required to obtain the Proposition 1B funding.

Vice Chair Intintoli commented on the broadness of the information as provided and said he would like more specific information provided on items such as parking, which was not included under core facilities. He also indicated concern that items such as emergency response barges would be incurring costs when not in emergency use.

Ms. Rannells responded that the Transition Plan would clarify to a greater extent what the anticipated costs will be for maintenance facilities and parking needs, but that that information would come as a result of work done on the Transition Plan and is not yet available in an appropriate state for this item. Manager of Operations Keith Stahnke clarified that the maintenance barges would be in daily use and not reserved solely for emergencies. He added that WETA was constrained by the relatively few available sites for maintenance facilities, and that maintenance barges would be the most practical solution.

Director O'Rourke noted that San Francisco had just passed a ballot measure that may make this an appropriate time to talk about jobs on the waterfront. Director Johnson asked what location in Alameda was being considered for a maintenance facility. Mr. Stahnke answered that it was Pier 5 near the USS Hornet.

Director Bellows asked about the discrepancy between the total estimated cost for the environmental work associated with the downtown San Francisco Ferry berthing project, as identified in Item 9, and the amount requested in Proposition 1B funds for this same project. Ms. Rannells explained that the Proposition 1B request is for a portion of the total cost, and that staff would augment this request with future funds as the project proceeds. This stepped approach to funding is required as the result of Proposition 1B timely use of funds policy that requires that funds are used within three years.

Director Johnson made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

12. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:50 p.m. Upon reopening of the meeting at 3:25 p.m. she reported that the board had authorized completion of negotiation and execution of the South San Francisco lease agreement. No other action had been taken.

13. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:30 p.m.

Respectfully Submitted,

Board Secretary
