

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(September 17, 2009)

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, Suite 111, San Francisco, CA.

1. ROLL CALL AND CALL TO ORDER

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

2. REPORT OF BOARD CHAIR

None.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells reported that WETA continued to work on solidifying support in Berkeley and completing the Berkeley terminal EIR. She noted that staff continued to meet with individual councilmember's and members of the Waterfront Commission, and that the Berkeley City Council would likely consider taking action to formally support the ferry terminal and service in November.

Director Johnson stated that WETA should clarify exactly what steps would be required in the process and create a checklist, and that it was important to know what the city would need to do to keep the project moving forward. Chair Johnson agreed. Ms. Rannells said that staff would bring forward an update on the Berkeley environmental document in October, and would develop such a list of actions. Manager of Planning and Development John Sindzinski added that he would be meeting with Berkeley staff next week to clarify these items.

Chair Johnson asked if progress was being made with opponents of the project. Ms. Rannells said that a concept to mitigate parking concerns had been put forward that appeared to address issues identified by various stakeholders.

5. AWARD OF DEMOLITION AND DREDGING CONTRACT FOR THE SOUTH SAN FRANCISCO FERRY TERMINAL CONSTRUCTION PROJECT

Mr. Sindzinski presented this item regarding approval the award of a contract to complete demolition and dredging work for the South San Francisco ferry terminal to the firm of Salt River Construction in an amount of \$1,197,965 and authorize the Executive Director to negotiate and execute the contract. He reviewed that background of the project and the bidding process for the work.

Chair Johnson asked if Salt River Construction's license status had been confirmed and if insurance and bond issues had been taken care of. Mr. Sindzinski said that all requirements had been satisfied and references checked. He invited Bill Davis of Ghirardelli Associates, Inc., construction manager for the South San Francisco terminal project, to expand. Mr. Davis indicated that all qualifications that were required in order for Salt River Construction to be considered a responsive bidder had been met, and that references had been contacted and were favorable.

Director O'Rourke asked Mr. Davis if he had called references listed in a letter from International Union of Operating Engineers No. 3 dated August 6. Mr. Davis referred to his letter of findings in response to those issues dated September 11, stating that the references he checked had been sufficient to meet the responsive bidder requirements, and that in checking with the state regarding licensing that none of the incidents referenced in the letter had resulted in any action or disbarment of the firm by any regulatory agency, and that as a result he did not feel additional investigation was warranted.

Public Comment:

Chris Snyder of International Union of Operating Engineers No. 3 stated that Salt River Construction and its representatives lie.

Director O'Rourke noted that it was difficult to get the state to take action on these issues and asked Mr. Davis again if he did not feel calls to potentially unfavorable references were warranted as a result of the allegations in the IUOE letter. Mr. Davis repeated that as the qualifications of responsive bidder had been met that he did not.

Public Comment:

Mr. Snyder read a list of allegations of labor violations from the August 6 letter.

Ms. Rannells noted that as a federally funded contract, WETA would regularly review payroll records for prevailing wage violations. Director O'Rourke said that there should be an individual monitoring the work site at all times. Mr. Davis said that there would be an inspector on site issuing daily reports.

Regarding Mr. O'Rourke's comment, Vice Chair Intintoli noted that all companies that have done business for any length of time will occasionally have such issues, and said that the issue at hand was if the company met the requirements to be the lowest responsible bidder or not.

Public Comment:

Marina Secchitano of IBU asked what the other bids had been.

Mr. Sindzinski said that the other firms were Dutra and AIS. Chair Johnson noted that there was a \$1 million difference between the high and low bidder. Ms. Secchitano expressed concerns about Salt River and their treatment of workers.

Public Comment:

Zachary Cohn of Salt River Construction stated that they maintain certified payroll records and that many other firms had payroll violations that exceeded theirs. He said that Salt River was in full compliance with payroll regulations and that there appeared to be a smear campaign against them.

Director O'Rourke asked WETA Counsel Stanley Taylor III of Nossaman LLP if considering what is now in the public record the contract should still be issued to Salt River. Mr. Taylor stated that there had been an insurance concern but that the certificate had now been obtained. Director O'Rourke

asked if there had not been a specific deadline by which the certificate was to have been received. Mr. Taylor said that all submission requirements had been met.

Vice Chair Intintoli made a motion to approve the item. Director Johnson seconded the motion and the item passed with a vote of 3 to 1. Director O'Rourke voted nay.

6. PUBLIC COMMENT

James McVaney, Berkeley Marina resident, suggested that WETA consider funding a portion of the Bay Trail through the Berkeley Marina to help mitigate the parking issue. He noted that there were three segments of the trail through the marina which needed to be completed.

Director Johnson noted that Berkeley had just received substantial funding for the Bay Trail. Mr. McVaney said this was for one of the outstanding segments, and that Berkeley Parks and Recreation has called this a priority project. Chair Johnson how much it would cost. Mr. McVaney said he believed one segment was \$1 million and the other two approximately \$500,000 each. Mr. Sindzinski noted that funding was not even in place for the terminal yet and that it was four to five years away.

7. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:03 p.m. Upon reopening of the meeting at 2:35 p.m. she reported that no action had been taken.

8. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:35 p.m.

Respectfully Submitted,

Board Secretary
