

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(June 4, 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 1:05 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows, Director Beverly Johnson and Director John O'Rourke. Director Bellows led the Pledge of Allegiance.

**2. REPORT OF BOARD CHAIR**

None.

**3. REPORT OF DIRECTORS**

None.

**4. REPORTS OF STAFF**

Chair Johnson introduced Peter Friedmann of Lindsay, Hart, Neil & Weigler in Washington, DC who offered a Federal Legislative Report. Mr. Friedmann thanked the board for approving the amendment to the Lindsay, Hart contract at the previous meeting and outlined their continuing efforts to lobby for WETA funding. He remarked on the personal engagement of the congressional delegation and the coalition of support for WETA. Mr. Friedmann specifically noted the support of Speaker Pelosi's staff as well that of the Speaker herself. He also noted the support of Senator Boxer's staff, and that of Representatives Barbara Lee and George Miller. He added that their support was especially valuable to WETA this year due to the one-time stimulus package allotment to the Federal Ferryboat Discretionary Fund. Mr. Friedmann closed noting that the Inland Boatman's Union and Masters, Mates & Pilots had also been supportive and involved in the process and that he looked forward to what could be accomplished with current coalition of support.

**5. REPORTS OF STAFF**

Executive Director Nina Rannells noted that in addition to the Executive Director reports now included in the board packet, Pisces would begin service to Harbor Bay on Monday, June 8, and that according to a recent notice from California Emergency Management Agency, Proposition 1B funding was set to begin flowing again.

Chair Johnson asked when the bonds had gone on sale and how the funding process would work. Ms. Rannells responded that first sale date had been April 22, and currently there still existed a 3-4 month reimbursement process with CalEMA to receive funding. She added that the proposed legislation, AB1203, would improve the process and that there were ongoing discussions with CalEMA that indicated a proposal for an alternative process for Prop 1B funding based on 3 and 6 month estimates may be forthcoming.

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Director Bellows asked for clarification on the schedule of the draft EIR for the Hercules project. Manager of Planning and Development John Sindzinski responded that the draft would be available for public comment over the summer and the draft final document could be released as early as September.

**6. CONSENT CALENDAR**

Vice Chair Intintoli made a motion to approve the minutes from the May 7, 2009 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

**7. APPROVAL OF AMENDMENT TO THE AGREEMENT WITH NEMATODE**

Community Relations Manager Shirley Douglas introduced this item regarding renewal of a three-year agreement to support ferry schedule publication in the Bay Crossings periodical as well as to support extended services at the Bay Crossings retail outlet which increase awareness of ferry services.

Chair Johnson noted that Nematode president Bobby Winston was unable to attend the meeting but that he had provided a letter to the board. She asked if the contract was for the same amount as the previous years. Ms Douglas responded that it was.

Director Johnson made a motion to approve the item. Vice Chair Intintoli seconded the motion and the item carried unanimously.

**8. APPROVAL OF AMENDMENT TO THE AGREEMENT WITH NOSSAMAN, LLP**

Ms. Rannells introduced this item regarding approval of an amendment to the agreement with Nossaman, LLP for in the amount of \$400,000 for the provision of legal services for FY 2009/10. She noted that in addition to general legal services that the contract amount anticipated additional work related to the transition of city-based ferry services and assets to WETA.

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

**9. APPROVAL OF FISCAL YEAR 2009/10 BUDGET**

Ms. Rannells introduced this item regarding WETA's FY 2009/10 budget. She noted that the proposed budget was similar to that of the prior year with approximately \$4 million allocated to operations and \$36 million to capital projects. She stated that the capital plan items that had stalled last year due to funding issues could move ahead this year as Proposition 1B funds become available.

Ms. Rannells also noted a revised organizational chart that better reflected WETA's current staffing requirements and then gave a brief overview of the program of capital projects.

Chair Johnson asked for an update on the status of the Berkeley terminal project. Mr. Sindzinski reported that WETA staff had met with Berkeley Mayor Tom Bates, that he was supportive of the project and had suggested WETA move ahead with a valet parking plan to address parking concerns. Ms. Douglas added that the Mayor had also recommended that WETA renew its outreach efforts to stakeholders in Berkeley and in the marina. Mr. Sindzinski said that all agreed that the terminal item would not go before the Berkeley City Council until September in order to allow time to continue to address parking concerns. The Mayor indicated that the city would address issues with H's Lordships regarding parking. Mr. Sindzinski said that WETA would continue to move ahead with the draft final EIR/EIS. He added that the Mayor

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recognized the limits of RM2 funding for the project regarding potential parking mitigation strategies and that Councilmember Laurie Capitelli was also a supporter of the project.

Ms. Douglas said that outreach would continue and contact would also be renewed with the Councilmembers from the Marina and surrounding districts who have already indicated support for the project.

Ms. Rannells closed the budget overview by noting that there was not sufficient information available yet for WETA to include operating expenses for Alameda and Vallejo in the budget and that these would be brought back to the board at a later date once service transition details are finalized.

Vice Chair Intintoli made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

#### **10. DISCUSSION ON PREVAILING WAGE**

Ms. Rannells presented this item regarding establishing prevailing wage rates for ferry workers for future consideration regarding WETA contracts. She noted that determining prevailing wage rates was a stepping off point for future discussion.

Director O'Rourke indicated that his experience with the Department of Industrial Relations suggested that WETA would not receive a timely response. Ms. Rannells answered that a request to DIR could be submitted concurrently with development of an independent process with input from unions and local operators for establishing rates.

Chair Johnson requested a future presentation that would clarify the concept of prevailing wages.

#### **Public Comment**

Marina Secchitano of IBU stated that she would like the board to adopt a prevailing wage policy and that the IBU looked forward to being involved in the process.

Vice Chair Intintoli made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

#### **11. TRANSITION PLAN PUBLIC COMMENTS**

Ms. Rannells presented an overview of the comments received on the draft Transition Plan , as well as staff recommendations for changes to the drafts addressing those comments.

Chair Johnson asked if WETA knew what the potential liabilities were in assuming these services. Director Johnson asked for a specific list of liabilities so that WETA could clarify what it would and would not take on. Ms. Rannells indicated that that would be done. Director Johnson also asked for details regarding the status of various projects and future services. Ms. Rannells responded that those were included in the draft. Chair Johnson commended staff on work done on the Transition Plan.

#### **Public Comment**

Crystal Odum Ford, Transportation Superintendent, City of Vallejo, stated that the city was ready to meet the letter of the law regarding the Transition Plan but that the Vallejo transition needs to be done as a partnership. She also said the City of Vallejo requests WETA support in seeking funding for Vallejo Station, and that customer service levels must be guaranteed based

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on future demands and not on current ridership. She also noted challenges the system had faced in the previous year when fuel prices had substantially increased for several months.

Ms. Rannells replied that this had been discussed with Ms. Ford. The Vallejo system was facing challenges with fuel costs and ridership and that the City had already cut service and had raised fares in response to fuel price concerns and that the priority must be creating a sustainable service. Vice Chair Intintoli added that marketing was critical to expanding ridership.

Ms. Ford noted the City had originally requested that MTC provide RM2 funds for two years to stabilize the service but that only one year had been given. Director Johnson stated that the preservation of services was desirable for everyone involved but that WETA needed to remain realistic and leave a door open to changes in the service and that it would be a difficult balance. Ms. Rannells suggested that staff could bring the board additional details regarding Vallejo funding on the 18<sup>th</sup>.

Public Comment

James McVaney, Berkeley Marina resident, suggested that WETA could do more outreach to marina residents and felt that the message was not getting out to stakeholders sufficiently, specifically regarding WETA's role in emergency response.

Public Comment

Joe Callahan of Vallejo spoke on the sustainability of service and hoped that that was something WETA would bring to Vallejo. He said that according to polls many were unaware that the service even existed. He added that with the construction of the new Vallejo Station project that there would be a tremendous marketing opportunity.

Vice Chair Intintoli added that marketing in Sacramento and other communities north of Vallejo yielded high potential for new ridership.

Public Comment

Marina Secchitano of Inland Boatman's Union reiterated the importance of a commitment to the Vallejo service as well as marketing and promotion of the service. She also noted that Golden Gate Ferries had enjoyed several ridership boons due to adding service for games at PacBell Park, return trips for patrons of bicycle rentals businesses, and promoting services to large scale events such as Kaboom. She suggested that these could stimulate marketing ideas for the Vallejo service.

Public Comment

Ms. Ford responded that Vallejo mirrored some of those ideas but that until the next year the ferry service had no marketing budget to promote them. She also noted that Vallejo had no marketing staff but that they have been engaging in some marketing and promotions including ads in Bay Crossings and rider appreciation days.

Ms. Douglas added that WETA is working with the City on a Marketing Plan for Vallejo ferry service and will continue to partner on marketing programs with Vallejo.

**12. EMERGENCY WATER TRANSPORTATION MANAGEMENT SYSTEM PLAN PUBLIC COMMENT**

Operations Manager Keith Stahnke presented an overview of the comments received on the draft Emergency Water Transportation System Management Plan, as well as staff recommendations for changes to the drafts addressing those comments.

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**13. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION**

Chair Johnson called the meeting into closed session at 2:35 p.m. Upon reopening of the meeting at 3:05 p.m. she reported that direction had been given to staff regarding real property negotiations and that Ms. Rannells had been authorized to execute the lease and settlement agreement relative to the Oyster Point Marina Terminal.

**14. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 3:06 p.m.

Respectfully Submitted,

Board Secretary

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