

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

**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(April 2, 2009)*

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the Port of San Francisco, Bayside Conference Room, Pier One on the Embarcadero, 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**

Chair Johnson announced that an agreement with Nina Rannells, who had been appointed as WETA Executive Director at the March 5 meeting, had been negotiated and executed.

**3. REPORT OF DIRECTORS**

None.

**4. REPORTS OF STAFF**

Executive Director Nina Rannells updated the Board on the status of WETA's second vessel, *Pisces*. She reported that the vessel remained in Seattle due to gale warnings and would remain there until an adequate and safe weather window became available.

Ms. Rannells also noted a legislative update from WETA's federal representative Peter Friedmann of Lindsay, Hart, Neil & Weigler, confirming support for the \$60 million in ferry boat discretionary fund which would ideally be a source of funding for the South San Francisco terminal project.

**5. CONSENT CALENDAR**

Director Bellows made a motion to approve the minutes from the March 5, 2009 Board of Directors meeting. Director O'Rourke seconded the motion and the item carried unanimously.

**6. AUTHORIZE APPLICATION TO MTC FOR \$3 MILLION REGIONAL MEASURE 2 FUNDS FOR SOUTH SAN FRANCISCO FERRY VESSELS PROJECT**

Ms. Rannells introduced this item to authorize by resolution an application for \$3 million in Regional Measure 2 (RM2) funds for the South San Francisco Ferry Vessel project.

Ms. Rannells reminded the Board that in December 2008 WETA had received notification from OHS that all Proposition 1B funds programmed to support WETA projects were suspended. This suspension caused a \$3 million funding shortfall for the South San Francisco vessel construction project currently underway which could potentially be covered with additional RM2 capital funds from MTC to support the project.

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Chair Johnson asked how MTC would receive the request for funds. Ms. Rannells replied that staff had been working with MTC for several months on this item and that they were supportive of the request and added that in addition to RM2 funding, Economic Recovery funds through the ferry boat discretionary program may also become available to fill in the gap left by the suspension of Prop 1B funding.

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

#### **7. SELECTION OF LOCALLY PREFERRED SITE FOR BERKELEY FERRY TERMINAL**

Manager of Planning and Development John Sindzinski presented this item regarding approval of the selection of the Berkeley Pier/Hs Lordship's site (Site B) as the locally preferred alternative for the Berkeley ferry terminal and a request to direct staff to complete the EIR/EIS for this site.

Mr. Sindzinski reviewed the history of the Berkeley to San Francisco route originally identified in the WTA's Programmatic EIR and Implementation and Operations Plan and subsequent planning meetings and discussions with city representatives and other stakeholders from Berkeley and Albany. He reviewed the issues surrounding each of the four sites under consideration.

Mr. Sindzinski then outlined the draft EIR/EIS process and the comments received on the draft. He noted that while no site was without potential impacts, the analysis of the four sites led to a recommendation of Site B, located between the Berkeley Fishing Pier and Hs Lordship's restaurant. He requested that the board approve this site as the locally preferred alternative and noted that the RM2 funding deadline for pre-construction funds required a final site to be selected by the end of the year.

Vice Chair Intintoli asked if there was any chance that Site B would not be permit-able or was opposed by the Berkeley Planning Commission. Mr. Sindzinski responded that ultimately permits would be in the hands of the city but that he did not believe there were any fatal flaws with the site and that the Mayor supported the terminal.

Director Johnson asked if the Planning Commission had concerns regarding traffic to the site. Mr. Sindzinski stated that the commission had concerns regarding traffic and parking that will be addressed in final EIR document. Director Johnson asked if there was anyone in Berkeley supportive of the terminal. Mr. Sindzinski noted that Mayor Bates and councilmember Capitelli both supported Site B.

Director Johnson also asked about bus service to the marina. Mr. Sindzinski said that service existed but noted that in the current economic climate AC Transit was planning service cuts. He added that WETA planned to work with local providers and that the Mayor was envisioning more redevelopment of the marina in general. Director Johnson then asked about traffic and highway access. Mr. Sindzinski said that most of the ridership would come from the Berkeley area and that ridership North of University Ave would branch to Albany and Hercules.

#### **Public Comment:**

Jim McGrath of US Windsurfing and San Francisco Board Sailors noted that he was a former Port of Oakland employee and familiar with CEQA requirements. He stated that WETA had not followed the CEQA process properly and that the project would not be able to obtain permits from the city. He added that addressing the draft's shortcomings in the final document was not

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the correct process and that all potential mitigation issues needed to be included at the draft stages of the document so that the public could comment on them. He stated that the marina was a recreational facility and that the Hs Lordship's site had significant recreational impacts not addressed in the draft EIR/EIS, and that parking spaces at Hs Lordship's were under lease and not available to WETA. He said that draft EIR was invalid and a new draft must be prepared.

Public Comment:

Paul Kamen of the Berkeley Waterfront Commission stated that although he liked the idea of the ferry, he believes it doesn't make sense for either public transit or emergency response. He said that the biggest problem in this case was parking. He said that it would not just be yachts and windsurfers displaced by parking demand but that many others who use the marina would also be impacted. He referenced his suggestions that appeared in the March 25 Berkeley Daily Planet including bus only transit to the marina for ferry passengers. He requested that the Board direct staff to meet with marina stakeholders with more substantive solutions for the impacts ferry service would have on the site.

Public Comment:

Doug Yamamoto, a long time resident of the East Bay and client of CalAdventures, noted his recreational use of the Berkeley Marina both windsurfing and ocean kayaking with his daughters and expressed concern regarding the impact of parking needed to support ferry service.

Public Comment:

James McVaney of Berkeley Marina Boaters said that many in the marina do support ferry service and that he agreed Site B was the preferable site. He stated that ferry service would be a good contribution and bring in increased revenue to the marina. He suggested that WETA consider contributing the \$1.5 million needed to complete the Bay Trail through the marina and that such action would help mitigate the concerns of some marina tenants.

Public Comment:

David Field, also a client of CalAdventures, stated that he had been at the Berkeley Planning Commission meeting and did not feel that they had been receptive to WETA. He said issues such as parking, traffic slowdown and breakwaters had not been sufficiently addressed and urged WETA to slow down the process and consider the issues raised by Mr. McGrath.

Vice Chair Intintoli said that he would consider waiting an additional meeting if there was a significant reason to, but did not see any reason to not proceed with the selection of the site with the understanding that WETA would continue to examine ways to mitigate impacts to the marina. Director Johnson asked if there was any legal concern regarding the EIR process. WETA counsel Stanley Taylor of Nossaman said that there was not.

Director Johnson added that she believed the process had not been rushed and acknowledged that there would be no solution that everyone would be pleased with. Chair Johnson said that the process had not been rushed but had taken almost nine years.

Director Bellows expressed uncertainty that the staff clearly understood the permitting process in Berkeley. Chair Johnson suggested that the permits would be needed in any case and not a reason not to move ahead with the item at hand. Mr. Sindzinski noted that any local committee may add additional permitting requirements at their discretion as had occurred in South San Francisco, but that they could be worked though.

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Director Bellows asked if Mr. Sindzinski thought there would be any obstacles that could not be overcome. Mr. Sindzinski replied that WETA had and would continue to work with all Berkeley stakeholders including the windsurfers and marina residents.

Director Johnson said that it was important to select the site first so that the permitting process could move forward. Mr. Sindzinski added that the site selection needed to happen first so that WETA could move ahead with the EIR final design, which had to precede terminal design, and that permitting issues were some ways off. He added that there would also be permitting processes with BCDC and the Bay Area Trail.

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

**8. AMENDMENT TO THE AGREEMENT WITH WALTHER ENGINEERING SERVICES FOR VESSEL CONSTRUCTION MANAGEMENT SERVICES**

Ms. Rannells presented this item regarding an amendment to the agreement with Walther Engineering Services. Ms. Rannells reviewed the history of the contract and services provided by Walther and recommended approving the amendment in the amount of \$50,000 to support continued vessel construction management services through April 30, 2010.

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

**9. DRAFT TRANSITION PLAN AND DRAFT EMERGENCY WATER TRANSPORTATION SYSTEM MANAGEMENT PLAN FOR PUBLIC REVIEW AND COMMENT**

Ms. Rannells presented this item regarding approval of the Draft Transition Plan and the Draft Emergency Water Transportation System Management (EWTSM) Plan for public comment and review. She reviewed the background of SB1093 and WETA's charge to develop a Transition Plan to facilitate the transfer of existing public transportation services operated by the City of Alameda and the City of Vallejo to WETA, and an EWTSM Plan to facilitate the coordination of water transportation services in the Bay Area region in the event of an emergency, both of which were required to be adopted by the WETA Board no later than July 1, 2009.

Ms. Rannells and Manager of Operations Keith Stahnke delivered PowerPoint presentations on the Draft Transition Plan and the Draft EWTSM Plan respectively.

Chair Johnson commented that these were being approved as drafts to distribute for comment prior to three upcoming public hearings. Ms. Rannells added that public comments and clarifications on the drafts would be brought back to the Board in early June and final versions of the plan would be brought to the board for approval at a special meeting on June 18th.

Vice Chair Intintoli congratulated staff for putting the drafts together during a period of transition. Director Johnson asked about addressing long-term feasibility of the services in the Transition Plan. Ms. Rannells said she anticipated ongoing dialogue with all involved and she acknowledged Alameda and Vallejo city staffs' assistance throughout the process. She added that the drafts would start a dialogue about feasibility issues once everyone had an opportunity to digest them, and that long-term viability issues would be addressed in the final version.

**Public Comment:**

Aimee Alden of the San Francisco Department of Emergency Management thanked WETA for its work on the EWTSM Plan and noted Mr. Stahnke's involvement on a recent response

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exercise. She said that department staff would review the EWTSM Plan and would participate in the comment process. She said the department looked forward to continued partnership with WETA.

Director O'Rourke made a motion to approve the item. Director Johnson seconded the motion and the item carried unanimously.

**10. PUBLIC COMMENT**

Jay Gardener of Adventure Cat reintroduced his ZOE ferry. He shared a wind chart showing wind through Altamont Pass and Travis AFB and said that Adventure Cat had been using wind for 18 years and that no one else was currently taking advantage of the wind resources entering the Golden Gate. He said that despite its appearance, ZOE is not a sailboat but a wind assisted hybrid electric ferry. He said that Berkeley, Richmond and Treasure Island services would all be ideal for his design. He urged the Board to consider his design and said ZOE could become as much a San Francisco icon as cable cars.

Director Johnson asked if he had built a prototype. Mr. Gardener replied that he had an excursion vessel in service that used a similar technology and that he had a PowerPoint presentation on ZOE. Director Johnson said she appreciated the concept. Mr. Gardener asked if he could give the Board a presentation. Chair Johnson said a brief presentation could be arranged for a future meeting and asked Mr. Gardener to discuss an appropriate time with staff.

**11. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 2:55 p.m.

Respectfully Submitted,

Board Secretary

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