

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

**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(December 3, 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 1:35 p.m. Directors present were Vice Chair Anthony Intintoli and Director John O'Rourke. Vice Chair 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 the WETA's third vessel, *Scorpio*, had arrived from Seattle earlier in the day with Operations Manager Keith Stahnke onboard. She said that *Scorpio* was currently at Bay Ship & Yacht in Alameda and would be in drydock undergoing inspection on Friday.

Chair Johnson asked if *Scorpio* looked the same as the previous WETA vessels and when it would be put into service. Ms. Rannells replied that the new boat had a similar appearance to *Gemini* and *Pisces* but that because it was rated for a higher passenger capacity there was a slightly different structural design. She added that after inspections and any needed repair work, crew training would be required before the vessel could be placed in service in January.

Ms. Rannells then reported that dredging was proceeding at the South San Francisco terminal site and that the seasonal window for dredging work had been extended in order to allow the work to be completed. She added that two Request for Proposals related to South San Francisco project had been released, one for the Pier Structures and one for the Gangway and Float.

Manager of Planning and Development John Sindzinski elaborated, noting that over 30 firms had been represented at the pre-bid conference. He said that the proposals were due on December 18, and that those received would be narrowed down first by competitiveness and then by price proposal. Mr. Sindzinski said that he hoped to have recommendations before the board at the February or March board meeting.

Ms. Rannells said that on a parallel track, discussions were ongoing with MTC to resolve cash flow issues so that construction could proceed once the contracts had been awarded. Chair Johnson asked if MTC truly intended to assist WETA on this issue. Ms. Rannells said that discussions were ongoing, but that Anne Flemer at MTC had proposed a system that would essentially have MTC work as a bank for WETA and that she hoped to have something more concrete to report to the board in January.

Vice Chair Intintoli asked for an update regarding the timeline for implementation of the Vallejo service transition, noting that if it were not to be completed by July 1, 2010, there could be additional complexity added as a result of Vallejo and Benicia's transit systems merging into a Joint Powers Authority. He said that the Mare Island facility and parking concerns needed to be addressed soon, and also noted a

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concern that Blue & Gold Fleet's contract with Vallejo would end on June 30, 2010, coinciding with the scheduled date for the transition.

Ms. Rannells responded that she was aware of and appreciated the update on the Benicia transfer and that there may be some opportunities to share work efforts between the bus and ferry transitions in Vallejo.

Ms. Rannells then introduced Barry Broad of the firm Broad and Gusman in Sacramento, who presented a State Legislative update.

Mr. Broad reported that AB 1203, sponsored by Fiona Ma, had passed unanimously and had been signed by the Governor. He noted that while this bill had provided for Proposition 1B funds to be paid to WETA in advance and not in arrears, CalEMA's staff had preliminarily reported that the bill would only apply to funds for future year projects and Proposition 1B programs. Mr. Broad said that he had contacted Representative Ma's staff and that they were working to align the actions of CalEMA with the intent of the bill. He said that if this effort did not result in a retroactive application of the bill language a new bill would be required to clarify the retroactive intent of AB 1203.

Vice Chair Intintoli asked who wrote AB 1203 and why this issue had not been recognized earlier. Mr. Broad answered that it had been CalEMA. WETA Counsel Stanley Taylor III of Nossaman LLP noted that he had not reviewed the bill. Vice Chair Intintoli asked specifically what language would be needed. Mr. Broad said it only needed to be made clear that it would apply retroactively, and that in any case, it was premature to suggest that a new bill would be required.

Director O'Rourke asked if a new bill were to be required if it could be attached to other pending legislation. Mr. Broad said that there were lots of mechanisms available and that that would not be the most desirable way to move forward. He noted again that he hoped the issue would be resolved without requiring additional legislation and concluded his report.

##### **5. CONSENT CALENDAR**

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

##### **6. AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE REIMBURSEMENT AGREEMENTS WITH THE CITY OF ALAMEDA, PORT OF OAKLAND AND CITY OF VALLEJO FOR TRANSITION EXPENSES**

Ms. Rannells presented this item requesting that the board authorize the Executive Director to execute agreements with the City of Alameda, Port of Oakland and City of Vallejo, as required, for reimbursement of reasonable and eligible costs associated with the transfer of existing ferry services to WETA.

Chair Johnson asked if expenses were being tracked and what costs were anticipated. Ms. Rannells said that expenses would be tracked and that \$600,000 was included in the budget and allocated to WETA for expenses related to the transition. Vice Chair Intintoli asked if transition related expenses were only allowed, per SB 1093, in FY 2008/09. Ms. Rannells answered that they were capped in FY 2008/09, but also allowed in following years.

Vice Chair Intintoli suggested that working on transition issues with Alameda and Vallejo simultaneously could present opportunities savings, especially if the cities could share an attorney. Ms. Rannells agreed and said that this would be encouraged.

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

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**7. AUTHORIZE EXECUTIVE DIRECTOR TO AMEND THE VESSEL UTILIZATION PLAN**

Ms. Rannells presented this item requesting board authorization for the Executive Director to amend the Vessel Utilization Plan and related agreements for WETA vessels chartered to the City of Alameda to support Alameda-Oakland and Alameda Harbor Bay ferry services.

Ms. Rannells noted that continuous and ongoing changes affecting the current services, such as elevated ridership on the Harbor Bay service since the Bay Bridge closure and a scheduled repower of the *Bay Breeze*, required flexibility on WETA's part to be able to assign chartered vessels to where they were most in need.

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

**8. UPDATE ON BERKELEY FERRY SERVICE PROJECT**

Mr. Sindzinski presented this informational update regarding the progress on the Berkeley project. He noted that at its November 17 meeting, the Berkeley City Council adopted a resolution supporting the proposed ferry terminal. He noted that the final vote supported the resolution 7 to 2, subject to several conditions, some of which would have near-term effects on the work and costs associated with completing the Final EIR/S, as well as longer term operational impacts. Mr. Sindzinski characterized overall Council support as strong, specifically noting the support of councilmember Laurie Capitelli. He then reviewed several of the Council's conditions revolving around issues such as parking, the mitigation of impacts on recreational windsurfing, bathrooms on site, and ensuring that access to the terminal meet essential structure standards.

**Public Comment:**

Ian Austin of URS said that he believed the pier road that provides access to the site would not be subject to liquefaction but that uneven sections would need to be filled in.

Ms. Rannells also noted one of the Council's conditions that would allow other operators access the terminal facilities during hours that WETA was not operating would be subject to WETA restrictions and requirements, as appropriate, as the owner of the facility.

Ms. Rannells then acknowledged and thanked those who wrote letters of support and spoke in support of the project at the meeting, specifically noting Director Jerry Bellows, Veronica Sanchez of Masters, Mates & Pilots, Marina Secchitano of Inland Boatman's Union and over 20 other ferry supporters including Berkeley Marina resident James McVaney and representatives from the Bay Area Council.

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

Chair Johnson called the meeting into closed session at 2:28 p.m. Upon reopening of the meeting at 3:08 p.m. she reported that no action had been taken.

**10. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 3:10 p.m.

Respectfully Submitted,

Board Secretary

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