

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

**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(March 5, 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, 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.

**2. REPORT OF BOARD CHAIR**

Chair Johnson reported that State Treasurer Bill Lockyer had responded to WETA's outreach letter regarding frozen Proposition 1B funds but that he had offered no specifics on when funding would be resumed.

**3. REPORT OF DIRECTORS**

None.

**4. REPORTS OF STAFF**

Interim Executive Director Nina Rannells updated the board on the status of WETA's second vessel, *Pisces*. She anticipated that it would leave Seattle during the next available weather window and could be in drydock in Alameda as soon as the next Friday. She stated that after leaving drydock and completion of crew training, *Pisces* would enter service on the Harbor Bay route under a bareboat charter agreement.

Ms. Rannells advised the board that staff would bring a locally preferred alternative site recommendation for the Berkeley/Albany ferry service to the Board at their April 2 meeting.

Ms. Rannells then reported that the flow of Prop 1B funds to WETA were not likely to resume anytime soon, but she anticipated that the state would begin issuing bonds slowly in tranches.

Chair Johnson asked if the Kvichak contract for the South San Francisco boats was in jeopardy. Ms. Rannells replied that \$3 million of the vessel construction was supposed to be funded with Proposition 1B funds, and that staff was looking into funding alternatives to the Proposition 1B funds that were suspended in December 2008. Vice Chair Intintoli asked if there was anyone working on resolving the issue. Ms. Rannells responded that WETA and the San Mateo County Transit Advocates had written letters to key legislators and the WETA Sacramento representative Barry Broad was monitoring the situation.

**Public Comment:**

Councilmember Pedro Gonzalez of South San Francisco asked if the Prop 1B funds needed to match the San Mateo County Measure A funds would be an issue. Ms. Rannells said that since those contracts were already in place that the Measure A funding should be secure, and that she is in periodic communication with the San Mateo County Transportation Authority staff.

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WETA counsel Stanley Taylor of Nossaman LLP added that the Measure A funding would not start flowing until construction contracts had been awarded for the South San Francisco terminal.

Further regarding Prop 1B funding, Ms. Rannells noted that WETA had sponsored clean up legislation introduced by Assemblymember Fiona Ma that would assure funds due WETA would be paid up-front rather than through a reimbursement process consistent with the way that other emergency response Proposition 1B funds were managed by the state.

Lastly, Ms. Rannells noted that transit funding issues in the state budget continued with the reduction of the State Transit Assistance funds in FY 2008/09 and elimination of these same funds in FY 2009/2010, but that these issues would have no impact on the WETA funding program.

#### **5. REPORTS OF STAFF**

Ms. Rannells introduced WETA's Washington, DC representative Peter Friedmann of Lindsay, Hart, Neil & Weigler who offered a Federal Legislative Report. Mr. Friedmann gave an overview of the Economic Stimulus package, the \$68 billion dollars included for infrastructure and \$60M for ferry boats that was included through the efforts of Senator Patty Murray, Speaker Pelosi and himself. He noted that in the future it was likely that there would be fewer spending earmarks. Mr. Friedmann also discussed the strength of the public ferry coalition and maritime unions.

He then noted a \$475,000 appropriation for 2009 that would be in addition to the annual \$2.5M set aside included in the previous Transportation Authorization bill, and that a request for \$3 million for Fiscal Year 2010 had been submitted after meetings with WETA allies such as the Speaker, Rep. Lee, Senator Murray and their staff. He noted his hopes that the upcoming Transportation Authorization bill would include \$75M for projects that included services of the type the Bay Area focuses on, such as short, frequent runs.

#### **Public Comment:**

Marina Secchitano of IBU noted that Washington State Ferries was changing its name to Washington Marine Highway System, a name more similar to the Alaska service. She asked if such a name change to WETA would result in increased funding. Mr. Friedmann explained that Washington State's name change was a gambit to become eligible for potential qualification as an alternative to traditional freight by highway, and that this was not a comparable scenario in the Bay Area.

Mr. Taylor asked how the \$60M for ferry boats would be paid out. Mr. Friedmann answered that program guidelines had not yet been released, but that project solicitations would likely be made at the state level for transmittal up to the Secretary of Transportation at the federal level. As a result, WETA would likely need to work through the California State Department of Transportation to secure funding.

Vice Chair Intintoli asked if earmarks would be altogether gone in the future. Mr. Friedmann responded that earmarks would continue to exist but would be fewer going forward.

#### **6. CONSENT CALENDAR**

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

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**7. APPROVAL OF AGREEMENT WITH THE CITY OF SAN FRANCISCO FOR GRANT FUNDS TO SUPPORT TREASURE ISLAND FERRY TERMINAL DESIGN AND AWARD CONTRACT TO SKIDMORE, OWINGS AND MERRILL FOR DESIGN OF THE TREASURE ISLAND FERRY TERMINAL DESIGN**

Ms. Rannells introduced this item and noted a typo, that “Metropolitan” should read “Municipal.” Manager of Planning and Development John Sindzinski reminded the Board of the prior month’s presentation by Jack Sylvan, Treasure Island Development Authority (TIDA) Project Manager for the City of San Francisco. He stated that agreement would allow grant funds secured by the San Francisco Municipal Transportation Authority (SFMTA) and TIDA to support WETA’s plans for the Treasure Island service.

Mr. Sindzinski then reviewed the recommendation of Skidmore, Owings and Merrill (SOM) to design and engineer the Treasure Island terminal. He noted that the Board had authorized the release of an RFQ in January and that a total of nine firms had responded with SOQs. After review by WETA staff, representatives from the City of San Francisco, and the Treasure Island environmental consultant, three firms were selected and interviewed by the panel before selecting SOM as the preferred candidate.

Public Comment:

Veronica Sanchez asked what the DBE component was. Manager of Community Relations Shirley Douglas responded that WETA had a voluntary 22% programmatic DBE goal and that this information had been included in the RFQ. Keith Boswell of SOM added that SOM anticipated 14.5% DBE participation. Ms. Sanchez added that it would be helpful if future staff items could include an indication of sub-consultants included in the contract awards and an indication of the DBE participation included in the proposal.

Vice Chair Intintoli made a motion to approve the agreement with the City of San Francisco for Grant Funds to Support Treasure Island ferry service. Director O’Rourke seconded the motion and the item carried unanimously.

Vice Chair Intintoli made a motion to approve the contract award to Skidmore, Owings and Merrill for design of the Treasure Island ferry terminal. Director Bellows seconded the motion and the item carried unanimously.

**8. OUTREACH AND APPROVAL PROCESS FOR THE WETA TRANSITION PLAN AND EMERGENCY WATER TRANSPORTATION SYSTEM MANAGEMENT PLAN**

Ms. Rannells presented this informational item regarding the process planned for public hearings and plan approvals of the Transition Plan and the Emergency Water Transportation System Management Plan.

Vice Chair Intintoli said there had been some confusion among the Vallejo City Council regarding the Transition Plan and that it would be good for WETA to work with the Council so that they will be well prepared to answer questions from the public. Ms. Rannells agreed and added that it would be important to manage expectations. She added that the purpose of the public hearings would be to gather input from the public and not Q&A sessions.

Public Comment:

Marina Secchitano of IBU asked that IBU be included in the emergency response stakeholder meetings and noted that she had not been invited to the February 11 meeting. Operations Manager Keith Stahnke noted that the meetings to date had been held with emergency

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manager stakeholders and that a meeting with operators is scheduled. Ms. Secchitano asked if he would come to Union Hall to give an overview of the plan and Mr. Stahnke said that he would.

**9. APPROVE FUNDING AGREEMENT FOR SAN MATEO COUNTY TRANSPORTATION AUTHORITY MEASURE A FUNDS TO SUPPORT SOUTH SAN FRANCISCO FERRY TERMINAL CONSTRUCTION**

Ms. Rannells presented this item regarding a funding agreement for Measure A funds to support South San Francisco terminal construction. She added that WETA and San Mateo County Transportation Authority (SMCTA) staffs had reached agreement on all aspects of the funding agreement but one, which relates to insurance levels required during project construction. Mr. Taylor indicated that the majority of the grant contract details had been worked out between SMCTA, WETA and the City of South San Francisco, and that the outstanding issue is that SMCTA wants to impose higher insurance limits than WETA believes are necessary. Ms. Rannells proposed that the Board approve the funding agreement, subject to Attorney approval of final contract language. Mr. Taylor indicated that he was comfortable supporting this approach to the item.

Public Comment:

Pedro Gonzalez noted that he was concerned that the SMCTA funds could be at jeopardy if there is not action on this agreement soon..

Vice Chair Intintoli made a motion to approve the item, subject to Counsel approval of final contract language. Director Bellows seconded the motion and the item carried unanimously.

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

Chair Johnson called the meeting into closed session at 2:11 p.m. Upon reopening of the meeting at 2:50 p.m. she reported that the Board had given direction to staff and representatives regarding Oyster Point Marina Terminal real property negotiations.

Chair Johnson also reported that the Board had appointed Nina Rannells as Executive Director and authorized herself and Mr. Taylor to negotiate the employment contract with Ms. Rannells.

**11. ADJOURNMENT**

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

Respectfully Submitted,

Board Secretary

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