

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(October 7, 2010)

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 1:10 p.m. Directors present were Vice Chair Anthony Intintoli, Director Gerald Bellows and Director John O'Rourke. Vice Chair Anthony Intintoli led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson noted her excitement over the Alameda/Oakland Ferry Service transition agreement and thanked the staff for their work throughout the process, noting that she hoped an equally successful resolution would soon be reached in the Vallejo transfer negotiations. Chair Johnson also mentioned that WETA soon anticipated receipt of a draft feasibility study regarding the use of hovercraft in Hercules, where dredging issues were potentially problematic for the service.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Chair Johnson introduced WETA Federal Legislative Representative Peter Friedmann for a report on activities in Washington, DC. Mr. Friedmann said that following the successes over the summer, the current election cycle was slowing activity down on approximately \$2 million in infrastructure allocation in current bills, noting that they could be delayed until January. He said that preliminary funding commitments for WETA in the current year exceed that of any other ferry service and includes \$1.25 million for the Vallejo Maintenance Facility and \$775,000 for the Berkeley service. He noted the support from the Bay Area congressional delegation including Representatives Barbara Lee, George Miller and Nancy Pelosi. Mr. Friedmann also noted the support of Representative John Garamendi, who sits on the Transportation Committee, adding that the Committee was already at work on the Transportation Reauthorization Bill which would be a very big deal in the coming year.

Executive Director Nina Rannells reiterated Chair Johnson's mention of dredging issues near the Hercules site, noting that it was a serious issue that could hamper the potential service. She added that the hovercraft study underway is intended to take a preliminary look at the feasibility of such a solution as part of the current environmental assessment.

Public Comment

Ian Austin of URS, who was preparing the study, noted that a similar solution had been used in King Cove, Alaska and had been used on the Isle of Wright since 1965.

Ms. Rannells then reported on a number of other recent WETA activities, including a WETA ferry being made available the previous weekend for the Port of Redwood City's "Port Fest" and her presentation at the 2010 Interferry conference in New York City followed by a tour of the terminal

and maintenance facilities. Chair Johnson asked if the ferries in New York were as “green” as the WETA’s. Ms. Rannells noted that they did not have the same legislative mandate for low emissions that WETA did, noting that WETA was considerably ahead of other systems on this front.

Ms. Rannells also noted that cure language regarding Proposition 1B was being pursued for inclusion in the state budget transportation trailer bill to prevent funds paid to WETA from expiring after three years. She closed reminding the Board that a Board Retreat had been scheduled for October 12.

5. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the August 19, 2010 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

6. APPROVE AMENDED AND RESTATED AGREEMENT WITH CAMBRIDGE SYSTEMATICS FOR FERRY RIDERSHIP FORECASTING SERVICES

Planner/Analyst Mike Gougherty presented this item requesting Board approval for an amended and restated agreement with Cambridge Systematics for ferry ridership services to provide additional ridership forecasting services for an amount not to exceed \$250,000.

Public Comment

Mike Bernick, on behalf of the four cities’ terminal sites currently under environmental review, said that the study was important to update the ridership forecasts. He noted that while there may or may not be substantial changes since the original study had been completed that it was important to have the latest estimates available.

Vice Chair Intintoli asked if WETA’s plan would need to be revised if it was found that the numbers had changed significantly. WETA counsel Stanley Taylor III of Nossaman LLP replied that WETA would be under no legal obligation to do so. Ms. Rannells noted that regardless, it was essential for WETA to be informed as accurately as possible moving forward. Planning and Development Manager John Sindzinski said that the numbers would be specific to each route and that he very much looked forward to seeing them.

Vice Chair Intintoli asked that in light of the flux in the economy over the last five years if projections to 2025 would be meaningful. Mr. Sindzinski said that the numbers would be vetted by MTC for accuracy and that in any case they would be required by the FTA in order to move the projects forward. Mr. Bernick added that he felt Cambridge Systematics numbers tended to be more conservative and accurate than those from other firms.

Director O’Rourke made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

7. AWARD OF FLOAT AND GANGWAY CONSTRUCTION CONTRACT FOR THE PIER 9 LAYOVER BERTHING FACILITY

Mr. Sindzinski presented this item requesting Board approval to award a contract for the construction of the Pier 9 Layover Berthing Facility to Manson Construction Company in an amount not to exceed \$2,482,410, authorize the Executive Director to negotiate and enter into a contract for this work and increase the budget authority for this project by \$400,000 to a total of \$3,150,000.

Mr. Sindzinski reviewed the procurement process and noted receipt of three qualified bids for the project from Dutra, Manson and Vortex. Mr. Bellows noted an error in the report. Mr. Sindzinski acknowledged the typo, noting that Vortex’ correct score should read as 91.

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

8. APPROVE AMENDMENT NO. 1 TO AGREEMENT WITH KPFF FOR DESIGN AND ENGINEERING SERVICES FOR THE CENTRAL BAY OPERATIONS AND MAINTENANCE FACILITY

Mr. Gougherty presented this item requesting the Board approve Amendment No.1 to Agreement #09-007 with KPFF, Inc. in the amount of \$75,000 to provide additional services in support of the ongoing environmental review for the Central Bay Operations and Maintenance Facility and authorize the Executive Director to execute the contract amendment.

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

9. APPROVE CONTRACT FOR LEGISLATIVE SUPPORT SERVICES

Ms. Rannells presented this item requesting Board approval of a contract with John Burton for legislative support services and authorize the Executive Director to execute an agreement for these services in an amount not to exceed \$25,000.

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

10. AUTHORIZE FILING APPLICATION WITH MTC FOR \$230,000 REGIONAL MEASURE 2 CAPITAL FUNDS

Finance and Grants Manager Lynne Yu presented this item requesting Board authorization for staff to file an application, including related certifications, for \$230,000 Regional Measure 2 capital funds to support the continuing environmental studies and conceptual design of the Berkeley Ferry Terminal project, and to update WETA's ridership model and generate new ridership forecasts for Berkeley and Hercules services.

Vice Chair Intintoli asked if this was an additional request for ridership studies. Ms. Yu replied that these RM2 funds would in part support the earlier item regarding ridership studies, and that it was not a request for additional studies.

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

11. APPROVE FERRY SERVICE OPERATIONS TRANSFER AGREEMENT AMONG SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY, CITY OF ALAMEDA AND ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY

Ms. Rannells presented this item requesting Board approval of the transition of the Alameda/Oakland Ferry Service and the Alameda/Harbor Bay Ferry Service from the City of Alameda to WETA including approval of the Ferry Service Operations Transfer Agreement substantially in the form presented by the Authority staff. This item authorized the Executive Director to complete negotiations and make such modifications to the Ferry Service Operations Transfer Agreement as are necessary and appropriate to reflect the terms and conditions of the Transition and to execute the final form of Ferry Service Operations Transfer Agreement. It also authorized the Executive Director to take all other steps and execute all other documents as are necessary to achieve the Closing of the Ferry Service Operations Transfer Agreement and to implement the Transition, including recording a Notice of Exemption from CEQA in the Official Records of Alameda County for this transaction.

Ms. Rannells introduced Donna Brady of Nossaman LLP, noting that her role has been integral to completion of the Agreement.

Ms. Rannells then reviewed the key components of the Agreement, noting that it was consistent with the Transition Plan, with WETA taking over and maintaining existing services. She noted that vessels and waterside assets would be assigned to WETA, and that regarding landside assets, WETA would receive landing rights rather than leasing facilities. Ms. Rannells added that local funding of the service would continue, reflecting the City's ongoing support. She indicated that one of the benefits of the transition to the system is that WETA is eligible to receive FTA funding to support ongoing capital rehabilitation and replacement needs, where the City was not.

Vice Chair Intintoli asked if the charter agreements that the WETA's four vessels were operating under would terminate once the Agreement was in place. Mr. Taylor said that that was indeed the case, and Ms. Rannells added that the vessels themselves would likely continue operating in service on the same routes, just under WETA's direction.

Ms. Rannells then addressed several details of the Agreement including ongoing consultation with the City of Alameda regarding service issues, the City's responsibility to dismantle the antiquated crane located near the Alameda terminal, and the acknowledgment of the potential development of a new terminal facility at Seaplane Lagoon.

Ms. Rannells also said that a key aspect of the negotiation with the City of Alameda was that the transition agreement requires parity with the ultimate Vallejo transition agreement. She noted that the City of Alameda would not charge for the vessels or terminal parking under the Agreement, and that WETA sought a similar arrangement with the City of Vallejo.

Director Bellows asked that if a terminal were to be developed at Seaplane Lagoon if the City would provide parking. Ms. Rannells indicated that the City or area developer would be responsible for providing ferry parking at the Seaplane Lagoon site.

Vice Chair Intintoli asked for clarification of Section 11.3 (a) in the agreement defining "service levels". Ms. Brady and Ms. Rannells detailed the Agreement's commitment to service levels and the process required for any changes. Mr. Taylor thanked Ms. Brady for her work on the Agreement, noting that it was comprehensive in scope and would serve as a template for future transitions of this nature.

Chair Johnson asked how tenants at Harbor Bay contributed to their service. Ms. Brady noted that it was via a tax, and Mr. Taylor elaborated that it was a property tax imposed on the development.

Public Comment

Denise Turner of the Port of San Francisco asked about dredging required under the Agreement. Ms. Rannells noted that it was not required to access the Alameda and Oakland terminals and that dredging for the Harbor Bay service was minor. Ms. Turner then asked when the current operations contract with Blue & Gold Fleet would expire. Ms. Rannells noted that she understood that both the Blue & Gold and Harbor Bay Maritime agreements would expire at the end of June 2011.

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

12. APPROVAL OF THE DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR FY2010/11 – FY2012/13

Public Affairs Manager Leamon Abrams presented this item requesting Board approval of the establishment of a 2.0% Disadvantaged Business Enterprises goal applicable to anticipated upcoming contracts assisted by the Federal Transit Administration during FY 2010/11 through FY 2012/13, and to authorize the Executive Director to take required steps to circulate and transmit this goal to FTA.

Mr. Abrams noted that the FTA had issued new regulations that changed the requirement to establish a DBE goal from yearly to once every three years. He then reviewed the process WETA used to establish the goal and noted that WETA would continue its outreach program to target interested DBEs.

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

13. INFORMATIONAL ITEM: DOWNTOWN SAN FRANCISCO TERMINAL EXPANSION PROJECT

Mr. Sindzinski introduced this informational presentation updating the Board on the Downtown San Francisco Terminal Expansion Project. He noted that the presentation which would follow was similar to the one being presented at over 25 outreach meetings to various stakeholders as a requirement of the approval process with BCDC and the Port of San Francisco.

After a brief recess, Mr. Sindzinski introduced Boris Dramov of ROMA Design Group who delivered a PowerPoint presentation to the Board.

Chair Johnson said that Sinbad's restaurant would not be happy. Mr. Sindzinski noted that if the business had to be relocated that WETA would incur no financial obligation.

Ms. Turner asked if the presentation had been given to the Port. Mr. Sindzinski said that it was scheduled to be given at the next Port Commission meeting.

Vice Chair Intintoli excused himself from the remainder of the meeting at 3:00 p.m.

Public Comment

Veronica Sanchez of Masters, Mates & Pilots said that it was exciting to see phases two and three of the project in motion and noted that the first phase had occurred before WETA had a legislative emergency response mandate. She asked if there was an element of the team looking at security issues since the Ferry Building was a critical asset.

Mr. Sindzinski replied that the design team was informed on MARSEC and other current security issues, noting that Gates B and E were not up to current essential structure standards and that this was a serious issue.

Ms. Sanchez noted the importance in having sufficient space for screening and queuing of passengers in the event of an emergency. She added that according to Jim Hurley of the Port of San Francisco, the closing of the Transbay Terminal had moved a significant homeless population to the Ferry Building facilities. She suggested the possibility of an advisory group to examine these issues.

Mr. Sindzinski said that there was indeed a homeless encampment currently located behind the Agriculture Building. He also noted that during weekend farmers markets there were often 25,000 visitors at the Ferry Building requiring careful planning of the new ferry berthing facilities and surrounding areas to accommodate multiple uses.

14. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 3:10 p.m. Upon reopening of the meeting at 3:55 p.m. she reported that no action had been taken.

15. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:55 p.m.

Respectfully Submitted,

Board Secretary
