



**Members of the Board**

Charlene Haught Johnson, Chair  
Anthony J. Intintoli, Jr., Vice Chair  
Gerald Bellows  
Beverly Johnson  
John O'Rourke

**MEETING AGENDA FOR THE  
WETA BOARD OF DIRECTORS**

*Thursday March 4, 2010 at 1:30 P.M.*

**San Francisco Bay Area  
Water Emergency Transportation Authority  
Vallejo City Hall Council Chambers  
555 Santa Clara St  
Vallejo**

***The full agenda packet is available for download at [www.watertransit.org](http://www.watertransit.org).***

**AGENDA**

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please contact the Board Secretary at least five (5) working days prior to the meeting to ensure availability.

**PUBLIC COMMENTS** The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards and any reports/handouts to the Board Secretary.

Non-Agenda Items: A 15 minute period of public comment for non-agenda items will be held at the end of the meeting. Please indicate on your speaker card that you wish to speak on a non-agenda item. No action can be taken on any matter raised during the public comment period. Speakers will be allotted no more than three (3) minutes to speak and will be heard in the order of sign-up.

Agenda Items: Speakers on individual agenda items will be called in order of sign-up after the discussion of each agenda item and will be allotted no more than three (3) minutes to speak. You are encouraged to submit public comments in writing to be distributed to all Directors.

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| 1. <u>CALL TO ORDER – BOARD CHAIR</u>    | <b>Information</b> |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | <b>Information</b> |
| 3. <u>REPORT OF BOARD CHAIR</u>          | <b>Information</b> |
| 4. <u>REPORTS OF DIRECTORS</u>           | <b>Information</b> |
| 5. <u>REPORTS OF STAFF</u>               | <b>Information</b> |
| a. Executive Director's Report           |                    |
| b. Legislative Update                    |                    |

**Water Emergency Transportation Authority**  
**March 4, 2010 Meeting of the Board of Directors**

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6. CONSENT CALENDAR **Action**  
a. Minutes February 4, 2010
7. APPROVE A FY 2009/10 OPERATING BUDGET INCREASE AND AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR REGIONAL MEASURE 2 FUNDS TO SUPPORT THIS INCREASE **Resolution**
8. AUTHORIZE RELEASE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR STATE LEGISLATIVE REPRESENTATION SERVICES **Action**
9. INFORMATIONAL PRESENTATIONS & FACILITY TOUR **Information**  
a. Vallejo Station  
b. Vallejo Maintenance Facility
10. RECESS INTO CLOSED SESSION
- a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**  
Property: City of Alameda ferry terminal related property/assets **To Be Determined**  
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority  
Negotiating Parties: City of Alameda  
Under Negotiation: Terms and conditions to the transfer of property with the City of Alameda for the Alameda Oakland and Harbor Bay Ferry Services
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**  
Property: City of Vallejo ferry terminal related property/assets **To Be Determined**  
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority  
Negotiating Parties: City of Vallejo  
Under Negotiation: Terms and conditions to the transfer of property/assets with the City of Vallejo for the Vallejo Baylink Service
11. REPORT OF ACTIVITY IN CLOSED SESSION **Action**  
Chair will report any action taken in closed session that is subject **To Be Determined**  
to reporting at this time. Action may be taken on matters  
discussed in closed session.
12. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS

ADJOURNMENT

Water Emergency Transportation Authority (WETA) meetings are wheelchair accessible. Upon request WETA will provide written agenda materials in appropriate alternative formats to individuals with disabilities. Please send a written request to [contactus@watertransit.org](mailto:contactus@watertransit.org) or call (415) 291-3377 at least five (5) days before the meeting. Under Cal. Gov't. Code sec. 84308, Directors are reminded that they must disclose on the record of the proceeding any contributions received from any party or participant in the proceeding in the amount of more than \$250 within the preceding 12 months. Further, no Director shall make, participate in making, or in any way attempt to influence the decision in the proceeding if the Director has willfully or knowingly received a contribution in an amount of more than \$250 within the preceding 12 months from a party or such party's agent, or from any participant or his or her agent, provided, however, that the Director knows or has reason to know that the participant has a financial interest in the decision. For further information, Directors are referred to Gov't. Code sec. 84308 and to applicable regulations.

**M E M O R A N D U M**

TO: WETA Board Members  
FROM: Nina Rannells, Executive Director  
DATE: March 4, 2010  
RE: Executive Director's Report

**PROJECT UPDATES**

**Service Transition Implementation** – The Transition Plan guides the consolidation of the Vallejo, Alameda/Oakland and Harbor Bay ferry services under WETA, and presents a five year financial outlook of WETA operating and expansion activities. The WETA Board of Directors adopted the final Transition Plan on June 18, 2009, in compliance with Senate Bills 976 and 1093 requirements.

WETA met with City of Alameda staff on February 9 and 12, to continue discussions on the terms of the Alameda ferry service transition. Staff hopes to have draft terms developed and a timeline for moving forward with the transition by early April. WETA staff continues to work to receive key contracts and other service and asset documents from the City of Vallejo and has scheduled a meeting in early March to resume transition discussions

**Emergency Water Transportation System Management Plan (EWTSMMP)** – This plan sets a framework for WETA coordination of emergency response and recovery efforts using passenger ferries and will provide a detailed definition of WETA's roles and responsibilities for incident planning, response, recovery and restoration of normal operations. The WETA Board of Directors adopted the final Emergency Water Transportation System Management Plan on June 18, 2009, in compliance with the requirements of Senate Bills 976 and 1093.

Preparation of the EWTSMMP and the Emergency Operations Plan (agency's internal plan) are complete. WETA is currently working on setting up the communication system in the emergency operations center and continues to develop and implement a training program to staff and operate the center in the event of a disaster. Staff is also working on coordinating the agency's participation in an emergency response exercise, conducted by MTC, which will be held in parallel with the Golden Guardian exercise in May.

**Spare Vessels** - Two spare vessels, *Gemini* and *Pisces*, have been constructed by Nichols Brothers Boat Builders, Ice Floe DBA and Kvichak Marine Industries, that will be used to augment existing services and expand WETA's emergency response capabilities. Both of these vessels are chartered to the City of Alameda and are currently being utilized in Alameda-Oakland, Tiburon and Alameda Harbor Bay services.

**South San Francisco Ferry Service** - This service will provide access to biotech and other jobs in South San Francisco for East Bay commuters, and expand the geographic reach of emergency ferry transportation response capabilities on the San Francisco Bay.

Construction of two new 199-passenger vessels for this service by Kvichak Marine Industries and Nichols Brothers Boat Builders, Ice Floe DBA is well underway. The first of the South San Francisco vessels, *Scorpio*, entered the San Francisco Bay in December, 2009. This vessel will be utilized on the Harbor Bay Ferry route beginning in March. The second vessel, *Taurus*, is scheduled to be completed in April.

Price proposals for the two construction projects were submitted on February 12, 2101. On February 22 and 23 staff and the entire Proposal Evaluation team interviewed each of the four contractors who submitted price proposals. WETA staff will be issuing a request for revised pricing proposals on March 1 which will help the evaluation team refine the cost proposals and prepare for "best and final" offers from each of the proposers. Staff expects to bring award recommendations to the WETA Board by May 2010.

**Berkeley Ferry Service** – This service will provide an alternative transportation link between Berkeley and downtown San Francisco.

Staff, along with the design and environmental team, met with BCDC staff in February to review the site plan and public access improvements that are included in the conceptual design. BCDC staff identified a number of questions regarding the project for which staff is preparing responses.

**Treasure Island Service** – This project, implemented by Treasure Island Development Authority (TIDA), the Mayor's Office of Economic and Workforce Development and the prospective developer, will institute new ferry service between Treasure Island and downtown San Francisco.

WETA met with the Treasure Island Developer and City staff in February to review revised service and terminal plans that would reduce terminal construction costs and allow for gradual implementation of new services. These changes are being considered as a means to bring the project costs into alignment with anticipated revenues. While these plans significantly reduce the overall project costs, most notably in the shorter term, the developer is concerned that the project is still too expensive. Further work on the terminal plan is on hold awaiting resolution of this issue between the developer and the City of San Francisco.

**Downtown San Francisco Ferry Berthing Expansion** - This project will expand ferry berthing capacity at the San Francisco Downtown Ferry Terminal to accommodate expanded regular and emergency response ferry services. The current capacity at this terminal can only sustain the addition of the Berkeley-to-San Francisco route; any other route will require further terminal capacity.

The final version of an MOU between the Port and WETA has been prepared and is awaiting signature by the Port's Executive Director. This MOU clarifies each agency's roles and responsibilities during the environmental clearance and conceptual design phase of the planning for expanded berthing at the downtown ferry terminal. Once executed the RFQs to solicit these consultant services will be issued and award decisions will be brought to the WETA Board for approval.

**Pier 9 Berthing Facility** - This project would construct two layover berths for mooring and access to ferry vessels on Pier 9 alongside the northern pier apron and adjacent to the WETA Administrative Offices. In June 2008, the Board adopted a Final Mitigated Negative Declaration for the Pier 9 Layover Ferry Berth Facility and filed a Notice of Determination as provided in Section 15075 of the State CEQA guidelines, and staff has since worked to secure required permits and finalize project design. The RFQ for construction management services was issued in February and proposals from interested firms are due in March. A staff recommendation to award a contract will be brought to the WETA Board in April. Staff anticipates issuing an RFP for project construction in April once a Construction Management firm has been selected and is under contract.

**Central Bay Operations and Maintenance Facility** - This project will develop a site for WETA operations and maintenance to serve basic vessel fueling, maintenance, shop, warehouse, storage and emergency operations needs.

Environmental assessment and preliminary conceptual planning for this project continues on schedule and within budget. WETA staff met with the Alameda Reuse and Redevelopment Authority staff in February to clarify the project boundaries for the Pier 5 site identified for this project. WETA staff has requested that ARRA provide a draft lease for this property for review and comment within the next month.

**Hercules Environmental Review/Conceptual Design** - WETA has worked cooperatively with the City of Hercules to prepare the necessary environmental documents to support new ferry service in coordination with a Capitol Corridor commuter train station (and local feeder bus service) in a new Water Transit Oriented Development (WaTOD) being built at the Hercules waterfront.

The City of Hercules is working to complete its own environmental assessment for the Capitol Corridor station project as this is a "fast track" project for the City that needs to be in construction in 2010. The environmental assessment for the ferry terminal and service is being completed by Impact Sciences, under contract with WETA and in consultation with the City of Hercules. Impact Sciences is scheduled to complete an Administrative Draft of the EIR/EIS for WETA, City and FTA review in March 2010.

**Miscellaneous Environmental Assessments/Conceptual Design** – This project involves completing environmental and conceptual design documents for potential future ferry services in Antioch, Martinez, Redwood City and Richmond.

WETA has chosen 4 consultants to conduct environmental assessments for ferry terminals in the above cities. All four environmental assessments have been on hold since December 2008, due to the State's suspension of Proposition 1 B funds. Staff has been in regular contact with CalEMA to discuss options for ensuring that once work is resumed, expense reimbursements will flow within a reasonable timeframe. Given the continued uncertainty in the State 1B funding, staff is considering options for moving these projects forward with alternative fund sources or cash flow mechanisms. Once funding cash flow issues are resolved and firms are hired to complete the complementary conceptual design work, each assessment should take approximately 18 months to complete.

#### **UPDATE ON RELEVANT PROJECTS IMPLEMENTED BY OTHER AGENCIES**

**Vallejo Station** - Vallejo Station is a compact, transit-oriented mixed-use project in the City of Vallejo that includes two major transit elements – a bus transfer facility that will consolidate local, regional and commuter bus services and a 1,200 space parking garage for ferry patrons.

Design of Phase A of the parking structure is 100% complete and bid advertisement was January 29, 2010 with a bid opening planned for March 4, 2010. The City Council has approved the transfer of title of the parking structure property from the Redevelopment Agency to the City. All funding sources for the Parking Structure Phase A have been secured. A purchase agreement to purchase the post office property is currently in escrow and meetings with USPS personnel regarding relocation are underway. Design of Phase B of the Parking Structure is in the final design stage with construction start date being dependent on the relocation of the Post Office property and full funding for this phase. Site work and utility construction continues on the Bus Transit Center with an anticipated construction end date of February 28, 2011.

**Mare Island Ferry Maintenance Facility** – This project will construct a new ferry maintenance facility located at Building 165 on Mare Island in Vallejo in three phases. Phase 1 constructs a 48,000 gallon fuel storage (2 week supply) and delivery system. Phase 2 includes construction of a system of floats and piers designed in a modular fashion to accommodate future growth of the fleet, demolition of Building 855, and construction of a new warehouse/shop in its place. Phase 3 will

renovate Building 165 into a permanent office and shop space (including lead dust abatement), and security installations. The design consultants, Winzler & Kelly, finished the conceptual design for all three phases in August 2005.

In anticipation of WETA taking over ferry operations from the City of Vallejo, WETA Staff reviewed the project in early 2009 and recommended that five specific areas of the plan be re-studied/amended including fuel tank storage options, modular construction of vessel berths, options to address BCDC global warming criteria, re-examining if continuing renovation of building 165 is optimal, and revising lead dust abatement cost estimates.

Lennar (landlord of the site) and City of Vallejo, in consultation with WETA, are currently working on a Facilities Lease Agreement which would allow for berthing of up to six vessels at the site. Lennar recently informed the City of Vallejo that the environmental remediation in and around the future ferry maintenance facility site may be delayed by up to one year; the impact of such a delay is currently being evaluated. The City and WETA Staff met with the Winzler & Kelly design team on February 3 to kickoff the 50% design effort for Phases 1 and 2. The design team will be working to confirm all project design criteria as the first step in the process. Work to secure permits for Phase 2 of the project is also underway.

### **OUTREACH, PUBLIC INFORMATION, AND MARKETING EFFORTS**

On February 1, Nina Rannells and Leamon Abrams attended a press conference hosted by Congresswoman Barbara Lee.

On February 11, Carolyn Clevenger of MTC gave WETA staff a presentation on MTC's Transit Sustainability Project.

On February 11, Keith Stahnke attended the MTC Trans Response Plan Steering Committee meeting.

On February 11, Leamon Abrams met with Kvichak to discuss event planning for the arrival of the 4<sup>th</sup> vessel.

On February 13-16, Keith Stahnke attended the Passenger Vessel Association Annual Conference.

On February 24, WETA staff met with marketing and branding consultants from The M-Line.

### **OTHER ACTIVITIES / ITEMS**

**WETA Reserves/Regional Measure 2 Funds** – Staff continued discussions with MTC staff and their bond counsel and financial consultants to explore options for addressing WETA cash flow needs associated with implementing our capital program. This issue relates to the need to have access to cash reserves to support payment of capital invoices prior to receiving grant reimbursements for projects. This discussion has been ongoing with MTC for a number of months, and staff hopes to be in a position to bring forward a solution, or list of options, for Board discussion in April.

**Proposition 1B Funds** – On September 10, 2009, WETA received notice from CalEMA indicating that the Treasurer's Office has approved a loan that allows WETA projects approved under the FY2007/08 and FY2008/09 Prop 1B program can move forward. CalEMA also advised staff that grant expenditure reimbursement should be received within an 8 weeks timeframe. However, we are finding that the reimbursement timeframe is variable, taking as long as four to six months. At

the January meeting, staff reported that CalEMA staff stated that WETA project funds were included in previous bond sales and that the details of these bond sales should be sorted out in Sacramento by mid January. As of February 25, CalEMA has not yet been able to identify when funds will be available to WETA to support our projects.

**AB 1203** – This bill directs the State to provide Proposition 1B waterborne funds to WETA on an up-front, as opposed to reimbursement basis similar to the way in which the majority of Proposition 1B safety/security funds are managed to other organizations throughout the state. AB 1203 was signed by the Governor on October 11, 2009. Staff has been working with members of the State Legislature and CalEMA to ensure that the provisions included in this legislation are applied retroactively to all Proposition 1B funding commitments made to WETA, consistent with the intent of the legislation and received a letter from CalEMA dated February 23, 2010, confirming the applicability of the legislation for unexpended project balances as of January 1, 2010. Staff will continue to work with CalEMA to secure the balance of the unexpended grant funds, approximately \$45 million, from the FY 2007/08 and FY 2008/09 grant programs as soon as possible.

**Prevailing Wage** – On July 1, 2009 staff sent a letter to the Department of Industrial Relations (DIR) asking whether or not prevailing wage laws apply to passenger ferry operations on the San Francisco Bay and if DIR can conduct a special determination even if prevailing wage laws do not apply. On July 14 WETA received a letter from DIR stating that WETA is not required by state law to pay prevailing wage for ferry operations work. DIR issued a draft special determination for prevailing wages for regular ferry operations on the San Francisco Bay on October 7, 2009, and a clarifying letter on February 17, 2010, related to health and welfare rates for deckhands. Staff is reviewing the information in these letters and will bring forward a discussion on this subject at a future meeting.

### **ADMINISTRATION**

**January Financial Statements** - Attached are the monthly financial statements for January 2010, including the Statement of Revenues and Expenses and the Capital Budget vs. Expenditures reports.

**Water Emergency Transportation Authority**  
**FY2009/10 Statement of Revenues and Expenses**  
**January 2010**

	Current Month	Prior Year Actual	FY 2009/10 Budget	FY 2009/10 Actual	% of Budget
% of Year Elapsed 59%					
<b>Operating Revenues</b>					
<b>Operating Assistance</b>					
RM 2 Planning	337,928	3,656,290	4,500,000	1,831,561	40.7%
SUASI	-	173,802	-	26,198	0.0%
<b>Total Operating Assistance</b>	337,928	3,830,092	4,500,000	1,857,759	41.3%
<b>Other Revenues</b>					
Interest Income	899	34,643	30,000	8,117	27.1%
Other	-	51,500	-	1,000	0.0%
<b>Total Other Revenues</b>	899	86,143	30,000	9,117	30.4%
<b>Total Operating Revenues</b>	338,827	3,916,235	4,530,000	1,866,876	41.2%
<b>Total Capital Revenues</b>	171,787	17,675,940	35,816,070	5,260,290	14.7%
<b>Total Revenues</b>	510,614	21,592,175	40,346,070	7,127,165	17.7%
<b>Operating Expenses</b>					
<b>Operations</b>					
Wages and Fringe Benefits	163,872	1,294,230	1,590,000	850,070	53.5%
Services	143,295	2,164,056	2,370,000	784,669	33.1%
Materials and Supplies	1,853	29,045	92,500	5,102	5.5%
Utilities	1,034	12,847	17,000	5,289	31.1%
Insurance	-	30,352	35,000	28,216	80.6%
Miscellaneous	4,334	41,170	95,500	22,519	23.6%
Leases and Rentals	23,540	295,942	300,000	161,893	54.0%
<b>Total Operations</b>	337,928	3,867,643	4,500,000	1,857,759	41.3%
<b>Total Operating Expenses</b>	337,928	3,867,643	4,500,000	1,857,759	41.3%
<b>Total Capital Expenses</b>	171,787	17,675,940	35,816,070	5,260,290	14.7%
<b>Total Expenses</b>	509,715	21,543,583	40,316,070	7,118,048	17.7%
<b>Excess Revenues (Loss)</b>	899	48,592	30,000	9,117	



**Water Emergency Transportation Authority  
FY 2009/10 Capital Budget vs Expenditures  
January 2010**

Project Description	Current Month	Project Budget	Prior Year Actual	2009/10 Budget*	2009/10 Actual	Future Year	% of Project
<b>Expenses</b>							
2 Spare Vessels	-	17,000,000	16,758,493	241,507	7,677	-	99%
SSF Vessels	23,824	20,500,000	11,441,898	7,000,000	3,685,137	2,058,102	74%
SSF Terminal Design	26,396	3,000,000	2,794,926	205,074	83,683	-	96%
SSF Mitigation Study	-	275,000	35,581	100,000	4,254	139,419	14%
SSF Terminal Construction	62,872	26,000,000	-	15,000,000	1,265,399	11,000,000	5%
Berkeley Environ/Conceptual Design	26,713	1,782,700	1,490,239	292,461	83,948	-	88%
Berkeley Terminal Design	-	3,200,000	-	1,500,000	-	1,700,000	0%
Hercules Environ/Conceptual Design	1,201	1,080,000	908,016	171,984	31,347	-	87%
Pier 9 Mooring/Floats	25,623	2,750,000	237,562	2,512,438	83,125	-	12%
Environmental Studies/Conceptual Design	-	3,000,000	56,000	1,500,000	-	1,444,000	2%
Central Bay Ops/Maintenance Facility	5,158	2,600,000	7,394	2,592,606	15,719	-	1%
Maintenance Barge, Floats & Ramps	-	5,000,000	-	3,500,000	-	1,500,000	0%
S.F. Berthing - Environ/Conceptual Design	-	2,500,000	-	1,200,000	-	1,300,000	0%
<b>Total Capital Expenses</b>	<b>171,787</b>	<b>88,687,700</b>	<b>33,730,110</b>	<b>35,816,070</b>	<b>5,260,290</b>	<b>19,141,520</b>	
<b>Revenues</b>							
RM 2	92,059	37,887,699	30,960,852	5,996,429	2,412,721	930,418	88%
San Mateo County Sales Tax	31,436	15,000,000	-	8,653,950	315,589	6,346,050	2%
Federal	-	9,480,002	2,705,864	4,174,100	1,275,011	2,600,038	42%
Proposition 1B	48,292	26,319,999	63,395	16,991,590	1,256,969	9,265,014	5%
<b>Total Capital Revenues</b>	<b>171,787</b>	<b>88,687,700</b>	<b>33,730,110</b>	<b>35,816,070</b>	<b>5,260,290</b>	<b>19,141,520</b>	

*\*Actual FY2008/09 expenditures were greater than the estimate; therefore, FY2009/10 Budget is \$51,070 less than the Adopted Budget.*

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

**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(February 4, 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 1:05 p.m. Directors present were Vice Chair Anthony Intintoli, Director Gerald Bellows, Director Beverly Johnson 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 advised the Board that work continued with CalEMA regarding Proposition 1B funding including the fast tracking of future payments. She noted that the state had paid outstanding invoices but that the larger issue of upfront payment had not been resolved and that discussion was ongoing.

Regarding the South San Francisco project, Ms. Rannells noted that the price proposals on the Terminal as well as the Float and Gangway RFPs would be coming in soon, and that contract awards would likely be on the agenda of the April Board of Directors meeting.

Ms. Rannells pointed out recent press regarding the funding challenges facing the City of San Francisco's Treasure Island project and said that WETA continued to work with city staff regarding the ramp up of ferry service rather than a full capacity service that would begin on day one. Director Johnson noted paperwork issues with the former Navy base in the City of Alameda had gone on for several years and suggested that Treasure Island service start may not be an immediate concern.

Ms. Rannells then advised the Board that the cities of Richmond, Antioch, Martinez and Redwood City had each been actively seeking to restart projects that had been placed on hold due to Proposition 1B funding issues. Ms. Rannells said that she was reluctant to retrigger these projects until the funding issues had been satisfactorily resolved but that she looked forward to meeting with the cities to discuss potential optional funding sources.

Chair Johnson said that she hoped the cities would not lose enthusiasm for the project as they had been supportive of WETA's program.

Director Johnson asked how much new outreach WETA representative Barry Broad had been pursuing in Sacramento. Ms. Rannells noted a stakeholder engagement strategy was being developed as a key part of the WETA marketing plan. Chair Johnson noted that with Senator

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Perata termed out, new advocates were needed in the state legislature. Director Johnson suggested that boardmembers should schedule a day for travel to Sacramento to meet directly with legislators and suggested that Mr. Broad could arrange such meetings. She added that an RFQ for legislative services may encourage him to set up a lobbying effort as early as February or March.

Ms. Rannells noted that the Board-requested a summary of grant funds is included as an attachment to the Executive Director's report and that the summary of WETA employee benefits requested would be brought forward at a future meeting. She also reminded the Board that the March meeting would be held in Vallejo and would include a presentation and tour of the Vallejo ferry facilities.

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

Director O'Rourke made a motion to approve the consent calendar, which included minutes from the January 7, 2010 Board of Directors meeting and an approval of board member travel to Washington, DC. Vice Chair Intintoli noted that this trip would provide an opportunity to advocate for WETA projects at a federal level with Congressman Miller and others, and would also help build relationships with Solano County officials who would be important to WETA in the future with both the Vallejo ferry services and other projects in the county.

Director Bellows seconded the motion and the item carried unanimously.

#### **6. INFORMATIONAL PRESENTATION**

Chris Miley and Zach Seal, assistants to Councilmember Rebecca Kaplan of Oakland, gave a presentation regarding a free Broadway Shuttle which would service the Broadway corridor between Uptown and Jack London Square in Oakland beginning in June 2010 and requested that WETA make a \$300,000 funding commitment to the project.

Director Johnson asked if the informational kiosks related to the shuttle service would include ferry and other transit connection information. Mr. Seal said that the details still needed to be resolved, but noted that NextBus and wayfinding information would be incorporated into the three signs.

Director O'Rourke asked if these signs would be backlit and if they would incorporate advertising possibilities. Mr. Seal said that Clear Channel, the sign provider, would sell ads on one side of the signs and that ad revenue for the shuttles would be predominantly provided by ads on information brochures and on the buses themselves. He said he was unsure if the signs would be backlit.

Chair Johnson asked for the source of the 2,500 estimate for daily ridership. Mr. Seal replied that it was based on 1,000 riders a day from the previous shuttle. He noted that the previous shuttle ran for three hours a day instead of the 12 hour days anticipated for the new service and that this suggested a potential ridership of 2,500.

Director Johnson asked what the timeline would be if WETA were to making a funding commitment. Mr. Seal indicated that he would discuss this with AC Transit as they would be operating the service. He suggested that it would likely need to occur within the next three months. He also noted that AC Transit had committed to operating the buses at 50% cost for the first two years of service.

Ms. Rannells said that while the shuttle was a great project, WETA planning staff had concerns over how much the shuttle would actually support ferry service.

Director Johnson said that it may be an opportunity for WETA to show how ferries can connect the region and to showcase WETA's presence.

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Ms. Rannells said that more specific information was needed to demonstrate that the shuttle service would have any impact on ferry ridership and also noted that the shuttle route terminated several blocks from the ferry terminal. Mr. Seal said that it was a possibility that the Jack London Square stop could be moved closer to the ferry. Ms Rannells asked when the term for the grant began. Mr. Seal said it would be good for two years from the start of service.

Director Bellows pointed out that the shuttle was a potential connector between BART and the ferry terminal. Ms. Rannells noted that this connection would not necessarily be relevant to existing services but could have some relevance to South San Francisco service once it starts.

Director Johnson proposed that the Board direct staff to meet with Councilmember Kaplan's office and bring a recommendation to the Board in April.

Ms. Rannells said that staff could look at it further but also noted that it was unlikely that an unallocated \$300,000 would appear in WETA's budget within that time frame. Mr. Seal said that even a smaller commitment could give the shuttle service an opportunity to seek additional funding partners.

Manager of Planning and Development John Sindzinski noted his concern that AC Transit was currently cutting services and that adding feeder services to terminals would continue to be a challenge. Vice Chair Intintoli agreed that this would also be an issue in Berkeley and Solano County and that WETA needed an overall policy.

Ms. Rannells said that she was concerned that other transit systems would be looking to WETA to subsidize their services. She noted additionally that in the case of the Broadway Shuttle there was no indication that it would actually increase ferry ridership or support current riders. Director Johnson reiterated that she thought the shuttle would be an opportunity to show WETA's support.

Director O'Rourke suggested that staff examine the issue further and return with a recommendation. Chair Johnson agreed and thanked Mr. Miley and Mr. Seal for their presentation.

**7. AUTHORIZE RELEASE OF A REQUEST FOR PROPOSAL (RFP) FOR PIER 9 CONSTRUCTION CONTRACT AND A REQUEST FOR QUALIFICATIONS (RFQ) FOR RELATED CONSTRUCTION MANAGEMENT SERVICES**

Mr. Sindzinski presented this item requesting Board approval to release a RFQ for construction management services and an RFP for project construction for the Pier 9 ferry berthing project. He noted that with the arrival of Taurus there would soon be four WETA vessels in the Bay, and that as mooring spaces are in limited supply the construction of berthing facilities at Pier 9 would be an asset to WETA operations. He noted that the contracts would be design-build.

Director Johnson stated that she was aware of many recent projects which had come in at 40% below engineer's estimates and that she hoped these would as well. Mr. Sindzinski said the estimates included in the item already considered that likelihood.

**Public Comment:**

Veronica Sanchez of Masters, Mates and Pilots asked if the floats were movable in order to respond to changing needs in an emergency. She also asked if they would be accessible if there was significant damage to Pier 9 in an earthquake as she has seen at Pier 48 in Loma Prieta.

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Mr. Sindzinski replied that the floats could be moved to any location that had a guide pile and that the floats could be moved within days. Regarding emergency access, he noted that access to floats at the Pier 9 location would not at any time be open to the public.

Chair Johnson remarked that the estimates seemed high for berthing facilities for only two boats. Mr. Sindzinski reiterated the need for a location to moor them and pointed out that the structures would have a 50 year lifespan.

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

**8. APPROVE VESSEL UTILIZATION PLAN AND ASSOCIATED AGREEMENTS**

Ms. Rannells presented this item authorizing the Executive Director to execute associated bareboat charter and funding agreements for the utilization of WETA's fourth vessel, *Taurus*, anticipated to arrive in the Bay in late April.

Vice Chair Intintoli asked what the status of the Blue & Gold contracts was. Ms. Rannells said that the cities of Vallejo and Alameda were both in negotiations with Blue & Gold to extend the current contracts, and that although WETA was not a direct party to the negotiations staff would continue to be involved at the periphery. Vice Chair Intintoli asked that WETA be as closely involved as possible and to monitor any contracts WETA would become a party to as a result of the transition.

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

**9. AUTHORIZE RELEASE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR INSURANCE BROKERAGE AND CONSULTING SERVICES**

Manager of Administration and Business Services Melanie Jann presented this item requesting authorization to release an RFQ for brokerage and consulting services to assist WETA in identifying risk levels and obtaining appropriate property and liability insurance coverage.

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

**10. APPROVE PROPOSITION 1B PROGRAM OF PROJECTS AND AUTHORIZE AGENCY OFFICIALS TO EXECUTE PROGRAM REQUIREMENTS**

Manager of Finance and Grants Lynne Yu presented this request for Board approval of a list of FY 2009/10 Proposition 1B Waterborne projects for transmittal to the California Emergency Management Agency and authorization for the Executive Director, Attorney and Finance and Grants Manager to execute the grant program documents required to obtain funding.

Director Johnson asked that if WETA made a commitment to the Oakland shuttle project if it would come from these funds. Ms. Rannells noted that this item was regarding capital projects, and funds to support the shuttle would need to come from RM 2 operating funds.

**Public Comment:**

Veronica Sanchez of Masters, Mates and Pilots said that both MMP and the IBU supported these capital projects but asked for clarification regarding the \$5 million noted for San Francisco docking facilities supporting the Treasure Island service in light of WETA's desire to implement a ramp-up service.

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Ms. Rannells responded that the Treasure Island service would represent the first real need to increase capacity at the Ferry Building terminal. She noted that increased capacity would be required over time and in order to meet emergency response needs as well.

Mr. Sindzinski added that the current facilities were already near capacity.

Ms. Sanchez expressed a concern that the needs of Treasure Island and San Francisco facilities stay in sync. Mr. Sindzinski replied that they would be purposely designed for flexibility. Ms. Rannells added that these funds were allocated for design, and that there would be a long environmental process ahead. She also noted that these funds would expire and needed to be spent on the front end.

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

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

Chair Johnson called the meeting into closed session at 2:30 p.m. Upon reopening of the meeting at 2:55 p.m. Vice Chair Intintoli reported that no action had been taken.

**12. ADJOURNMENT**

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

Respectfully Submitted,

Board Secretary

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MEMORANDUM

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**TO: Board Members**

**FROM: Nina Rannells, Executive Director  
Lynne Yu, Manager, Finance & Grants**

**SUBJECT: Approve FY 2009/10 Operating Budget Increase and Authorize Filing an Application with the Metropolitan Transportation Commission for Regional Measure 2 Operating Funds to Support this Increase**

**Recommendation**

Approve a FY 2009/10 operating budget increase in the amount of \$300,000 and authorize filing an application with the Metropolitan Transportation Commission (MTC) for Regional Measure 2 operating funds to support this increase.

**Background**

In June 2009, the Board of Directors approved the FY 2009/10 operating budget which included \$3 million to support core administrative expenses for staffing and general agency administration and \$1.5 million to support WETA ferry operations work including transition activities, preparation and use of WETA's four vessels in active service and continued emergency response preparation activities and equipment.

Total operating expenditures for the first six months, through December 2009, are below budget at \$1,249,700 in core administrative expenses and \$270,200 WETA operations expenses. However, staff anticipates a significant ramping up of expenses during the second half of the year related to WETA operations work associated with the service transition and spare vessels and is concerned that Regional Measure 2 operating funds allocated to WETA in FY 2009/10 may not be sufficient to cover all costs. In order to ensure that sufficient operating funds are allocated and available from MTC, WETA must act now to adopt a budget amendment and file an application for allocation of additional Regional Measure 2 operating funds.

**Discussion**

This item recommends approval of a \$300,000 operating budget increase in FY 2009/10 and authorization to file a related application with MTC for additional Regional Measure 2 funds to support this increase. This change would increase the budget and RM 2 allocation for WETA operations from \$1.5 million to \$1.8 million and will increase the overall FY 2009/10 WETA operating budget from \$4.5 million to \$4.8 million.

	<b>FY 2009/10 Adopted Budget</b>	<b>FY 2009/10 Revised Budget</b>
General Planning/Admin Operations	3,000,000	3,000,000
Transition	600,000	780,000
Spare Vessels	750,000	1,000,000
Emergency Response	150,000	20,000
Total	4,500,000	4,800,000

This increase is required to support operational work activities for this year described below.

**Service Transition**

The FY 2009/10 operating budget includes \$600,000 for activities associated with WETA's regional services including Alameda and Vallejo service transition work and related marketing and communications efforts. Consistent with legislative direction, WETA is responsible for covering reasonable costs associated with this transition, which will include the cost of legal staff directly hired by WETA and the cities and other consulting or special services required to complete the transition such as survey, title, escrow, or engineering assessment work.

In order to meet the targeted transition date of July 1, 2010, WETA and Alameda staffs and legal counsels are meeting bi-weekly to develop the terms of the Alameda ferry service transition. Due to the number of involved agencies associated with the Alameda ferry services, this work will also involve discussions with the Port of Oakland, Alameda Reuse and Redevelopment Authority and work with current contractors and permitting agencies. WETA staff is also working with City of Vallejo to obtain key contracts and other service and asset documents that are pertinent to the Vallejo transition work and will begin more detailed discussions with City of Vallejo shortly.

While expenses for the first half of FY 2009/10 were below budget, staff anticipates a sharp increase in expenses billed from January forward and anticipates spending up to \$780,000 for these work activities in FY 2009/10, reflecting a \$180,000 increase.

**Spare Vessels Program**

\$750,000 is included in the FY 2009/10 operating budget to support the incremental cost of mooring, operating and insuring the two existing spare vessels and the two new South San Francisco (SSF) vessels. This budget also includes funds to support City of Alameda dredging of the Harbor Bay channel which is critical to our ability to utilize WETA's vessels in Harbor Bay service during low tides, consistent with the Bareboat Charter agreement. A partial dredge of the channel was completed in December 2009, and additional work is anticipated to be completed in spring 2010. This work effort will require \$250,000 more than originally anticipated in the FY 2009/10 budget, increasing the budget need for the spare vessels program to \$1 million. Staff anticipates the cost of the spare vessel program to decrease over time once all of WETA's vessels are delivered, permanent mooring facilities are secured and vessels are fully integrated into the fleet and services.

**Emergency Response Activities**

Emergency response activities are budgeted at \$150,000 for the current fiscal year. The work plan associated with this budget included purchasing core equipment for WETA's Emergency Operations Center (EOC) and developing and participating in system drills.



While some communication equipment essential to the operations of the EOC has been purchased, no other major expenses are anticipated to be incurred this year related to agency equipment or drills. Staff anticipates spending \$20,000 in FY 2009/10 in this area, allowing for a budget decrease in this area in the amount of \$130,000 to off-set transition and spare vessel work activities required this year.

The revised work program outlined above requires a net budget increase of \$300,000 to support WETA's operational activities in FY 2009/10. The required FY 2009/10 RM2 application for these additional funds, including the general application and required certifications, is provided as **Attachment A** to this memorandum. The related, and required, Board resolution associated with this application, which is also attached, contains the following key provisions:

- Grants the Executive Director, or her designee, authority to execute the allocation request and transmit it to MTC;
- Assures MTC that there is no legal impediment for the Authority to make this request and that there is no pending or threatened litigation;
- Commits WETA to follow MTC's procedures for seeking allocation and reimbursement of funds; and
- Indemnifies MTC against claims resulting from performance of services funded with this allocation. This is consistent with language required of other grant agreements and does not shift any new risk to our agency.

**Fiscal Impact**

The recommended changes have a net impact of increasing the FY 2009/10 operating budget by \$300,000 to be funded with Regional Measure 2 operating funds.

\*\*\*End\*\*\*

# Attachment A

## Regional Measure 2 Operating Assistance Proposal Project Summary Page

### Project Information

<b>Project Title:</b>	<input style="width: 95%;" type="text" value="WETA Ferry Operations"/>						
<i>Briefly describe service (provide map as attachment). Include information about markets being served (both travel demand as well as interoperator connections).</i>							
<b>Brief Description:</b>	This project provides funding to support the start-up and ongoing incremental operating expense associated with WETA's regional ferry operations. Work activities include service transition work, support for four spare vessels and emergency response activities.						
			Headways		Vehicles in service		Daily Rev
	Start Time	End Time	Peak	Off-peak	Peak	Off-peak	Veh Hrs
Weekday							
Saturday							
Sunday							
<b>Lead Agency:</b>	<input style="width: 95%;" type="text" value="WETA"/>		<b>Partnering Agency 1:</b>	<input style="width: 95%;" type="text"/>			
			<b>Partnering Agency 2:</b>	<input style="width: 95%;" type="text"/>			

### Contact Information

<input style="width: 95%;" type="text" value="Lynne"/>	<input style="width: 95%;" type="text" value="Yu"/>		
first name	last name		
<input style="width: 30%;" type="text" value="415-364-3193"/>	<input style="width: 30%;" type="text"/>	<input style="width: 35%;" type="text" value="yu@watertransit.org"/>	
phone	fax	e-mail	
address 1	<input style="width: 95%;" type="text" value="Pier 9, Suite 111, The Embarcadero"/>		
address 2	<input style="width: 95%;" type="text"/>		
	<input style="width: 40%;" type="text" value="San Francisco"/>	<input style="width: 10%;" type="text" value="CA"/>	<input style="width: 15%;" type="text" value="94111"/>
	city	state	zip

**Regional Measure 2 Operating Assistance Proposal  
Operating Plan, Service Parameters, and Performance Measures**

Enter the amount needed in each program year.  
Use State fiscal years (July 1 - June 30).

**Operating Plan - Request for RM2 Funds**

	Past Actual	Current Year Adjusted	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	Total
<b>Operating Budget</b>								
Estimated Annual Revenue Hrs.								-
Estimated Operating Cost/Revenue Hour								-
<b>Total Operating Cost</b>	-	-	-	-	-	1,350,000	1,800,000	3,150,000
-- Fare Revenue								
-- <b>RM 2 Operating Assistance Request</b>						1,350,000	1,800,000	3,150,000
-- TDA								-
-- Local Sales Tax								-
-- Private Sector Contributions								-
-- Other Subsidy								-
<b>Total Subsidy</b>	-	-	-	-	-	1,350,000	1,800,000	3,150,000
<b>Total Revenues</b>	-	-	-	-	-	1,350,000	1,800,000	3,150,000
<b>Surplus/(Deficit)</b>	-	-	-	-	-	-	-	-

**Service Parameters**

	Past Actual	Current Year Adjusted	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	Total
Estimated Annual Ridership						N/A	N/A	-
Average Weekday Ridership						N/A	N/A	
Annual Revenue Hours						N/A	N/A	
Annual Revenue Miles						N/A	N/A	

**Performance Measures**

	Past Actual	Current Year Adjusted	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	Average
<b>Required Measures Per MTC Resolution 3668</b>								
Farebox Recovery Ratio						N/A	N/A	
Passengers/Revenue Hour						N/A	N/A	
Change in Passenger Per Hour						N/A	N/A	
<b>Other Measures</b>								
Cost Per Rider						N/A	N/A	
Subsidy Per Rider						N/A	N/A	
Cost Per Revenue Hour						N/A	N/A	

**RM-2 Operating Assistance Application**

**Certifications**

**FY 2009-10**

**Operator:** San Francisco Bay Area Water Emergency Transportation Authority

**Submittal Date:** 03/04/2010

**Project:** WETA Ferry Operations

**ENTER an "X" in the yellow cell to the left of each required certification**

**This form must be signed and dated**

X	A.	Applicant certifies that, if RM-2 funding was received in <b>FY 2008-09</b> , it has included the RM-2 costs and revenues in its general fiscal audit for that year. Applicant also assures that it will include the RM-2 costs and revenues in its general fiscal audit which will be completed for <b>FY 2009-10</b> .
	B.	Applicant certifies to one of the following:
	a.	If Applicant is a bus operator, it certifies that it has submitted a copy of the California Highway Patrol (CHP) certification which was issued within the last 13 months indicating compliance with Cal. Veh. Code. §1808.1 (CHP "pull notice system and periodic reports"). (Pub. Util. Code §99251).
	b.	If Applicant is a ferry operator, it certifies that it is current on all inspections and certifications required by federal and state agencies.
	C.	Applicant certifies that it has current SB 602 "joint fare revenue sharing agreements" in place with transit operators in the MTC region with which its service connects, and that it has submitted copies of all such agreements to MTC.
	D.	Applicant agrees to participate in studies on Integrated Fare Structures and Transit Connectivity which are required under SB 916.
X	E.	Applicant certifies that it complies with MTC's Transit Coordination Implementation Plan (MTC Resolution No. 3055, revised). (Public. Util. Code §99314.5(c) and §99314.7).

**The undersigned attests that the certifications indicated above are true and correct, and further attests to the applicant's intent to comply with the indicated certifications.**

Authorized Representative Signature:



Name: Nina Rannells

Title: Executive Director

Date: 03/04/10

MEMORANDUM

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**TO: Board Members**

**FROM: Nina Rannells, Executive Director  
Leamon Abrams, Manager, Public Affairs**

**SUBJECT: Authorize Release of a Request for Qualifications for State  
Legislative Representation Services**

**Recommendation**

Authorize staff to issue a Request for Qualifications for professional services to represent and support the WETA on state legislative matters.

**Background**

Since November 2004, WTA/WETA has utilized the Law Offices of Broad & Gusman, LLP to provide state legislative support services. The agreement for services with Broad & Gusman, LLP was developed as the result of a competitive RFQ process completed in 2004, and has been renewed annually to coincide with each new fiscal year. The FY 2009/10 agreement, which concludes June 30, is for a fixed annual fee of \$60,000.

**Discussion**

For WETA to effectively meet its state-mandated regional mission of providing local ferry service consolidation, service expansion and development of emergency response and recovery capabilities staff believes that it is important to revitalize efforts to build and renew political contacts and relationships at the local, regional and state level. As a part of the ongoing marketing and stakeholder engagement plan for the organization, work is underway to consider an approach to developing these relationships to support WETA's work efforts.

To complement this work, WETA will want to engage the services of an individual or firm in Sacramento that can assist the agency in developing and implementing a state-focused legislative and advocacy strategy to ensure continued state financial and legislative support for the organization and its programs. Staff recommends re-bidding the state legislative service contract as a means to establish a clear work scope for these services and consider options for delivering this program. Accordingly, this item recommends that the Board authorize release of a Request for Qualifications (RFQ) to provide state legislative representation services.

**Scope of Services**

The tasks associated with this work would include, but not be limited to:

- Developing an annual work plan identifying objectives, barriers, approach, strategy, tactics, budgets, milestones and metrics;
- Arranging for facilitated meetings with key policymakers, staff, and others in state government; lead the preparation for those meetings and conduct those meetings, as appropriate, with agency and/or departmental representatives in Sacramento and elsewhere;
- Developing agency and project based communications for state legislators including assisting in drafting strategic communications, developing a plan for delivering messages and providing support documentation;

- Monitoring state legislation and regulations affecting WETA and keeping staff and the Board regularly informed on these matters;
- Monitoring key agencies such as the Department of Transportation ,California Air Resources Board and State Office of Emergency Services;
- Identifying potential partnerships with other transit providers, cities or other organizations with an interest in WETA or common transportation matters;
- Working to restore, preserve and expand state and regional transportation capital and operating funds that could be used to support WETA projects and programs;
- Identifying and developing outreach initiatives, events, and other activities that advance WETA's profile with state legislators and support agency programs; and
- Developing legislation, as needed, to address agency funding or operational matters.

#### Review Process and Criteria

Responses to the RFQ will be reviewed and interviews will be held, as necessary, to facilitate development of a recommendation for contract award for Board consideration in May. Selection criteria will include:

- Qualification and Experience as a State Government Relations Consultant – the firm and/or individual's overall experience demonstrating their ability to successfully complete the requirements identified in the scope of work.
- Responsiveness to the Scope of Work - the firm and/or individual's overall understanding and approach to the Scope of Work.
- Excellent contacts with key state legislators, staff and administration officials and with cities, advocacy groups and other relevant stakeholders.
- Experience with transportation, transportation funding and similar projects.
- References.
- Team qualifications.
- Price proposal.

#### Schedule

The schedule for the RFQ process contemplates all actions being completed in time to initiate contract work on July 1, 2010. Anticipated dates associated with the RFQ process are as follows:

Release Date:	March 8, 2010
Pre-proposal conference:	Friday, March 12, 2010
Submittals Due:	Friday, April 2, 2010
Interviews (as needed)	Monday, April 12, 2010
Board Selection:	Thursday, May 6, 2010

#### Fiscal Impact

There is no direct fiscal impact associated with issuance of this RFQ. State legislative services are currently budgeted at \$60,000 annually.

#### Options

As an alternative, the Board could direct staff to negotiate a scope of work and contract terms with Broad & Gusman, LLP for continued services in FY 2010/11.

\*\*\*END\*\*\*