



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, August 6, 2009, 1:00 P.M. to 4:00 P.M.
San Francisco Bay Area
Water Emergency Transportation Authority
Pier Nine, Suite 111
San Francisco

The full agenda packet is available for download at 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 COMMENT The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards 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> | Information |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | Information |
| 3. <u>REPORT OF BOARD CHAIR</u> | Information |
| 4. <u>REPORTS OF DIRECTORS</u> | Information |
| 5. <u>REPORTS OF STAFF</u> | Information |
| a. Executive Director's Report | |
| b. Legislative Update | |

Water Emergency Transportation Authority
August 6, 2009 Meeting of the Board of Directors

6. CONSENT CALENDAR **Action**
 - a. Minutes of June 18, 2009

7. STATUS REPORT ON SOUTH SAN FRANCISCO TERMINAL CONSTRUCTION PROJECT **Information/Action**

8. AWARD OF DEMOLITION AND DREDGING CONTRACT FOR THE SOUTH SAN FRANCISCO FERRY TERMINAL CONSTRUCTION PROJECT **Action**

9. AUTHORIZE PROCEEDING WITH ENVIRONMENTAL ASSESSMENT WORK AND ISSUING A REQUEST FOR QUALIFICATIONS FOR DESIGN SERVICES FOR THE CENTRAL BAY OPERATIONS AND MAINTENANCE FACILITY **Action**

10. AUTHORIZE RELEASE OF REQUEST FOR QUALIFICATIONS (RFQ) FOR MARKETING SERVICES **Action**

11. APPROVE PIER 9 MARGINAL WHARF LICENSE TO USE PROPERTY AGREEMENT WITH THE SAN FRANCISCO PORT COMMISSION **Action**

12. RECESS INTO CLOSED SESSION
 - a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**

Property: San Mateo County Harbor District, South San Francisco Small Boat Harbor
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: San Mateo County Harbor District, City of South San Francisco and State Department of Boating and Waterways
Under Negotiation: Terms and conditions to the cooperative agreement/lease with the San Mateo County Harbor District for the South San Francisco service

To Be Determined

 - b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**

Property: City of Alameda ferry terminal related property/assets
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

To Be Determined

 - c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**

Property: City of Vallejo ferry terminal related property/assets
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

To Be Determined

Water Emergency Transportation Authority
August 6, 2009 Meeting of the Board of Directors

d. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: City of Berkeley ferry terminal related property
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Berkeley
Under Negotiation: Terms and conditions to the cooperative agreement/lease with the City of Berkeley for Berkeley service

***Action
To Be Determined***

13. REPORT OF ACTIVITY IN CLOSED SESSION

Chair will report any action taken in closed session that is subject to reporting at this time. Action may be taken on matters discussed in closed session.

***Action
To Be Determined***

14. OPEN TIME FOR PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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 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.

MEMORANDUM

TO: WETA Board Members

FROM: Nina Rannells, Executive Director

DATE: August 6, 2009

RE: Executive Director's Report

PROJECT UPDATES

Service Transition Implementation – This plan will guide 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 the requirements of Senate Bills 976 and 1093.

As planned, the Alameda-Oakland and Harbor Bay Ferry Services will transition to WETA on January 1, 2010, while Vallejo service will transfer on July 1, 2010. Staff has met with City of Alameda and Port of Oakland staff twice each over the last month to discuss transition details and secure relevant contracts and documents required for the transition. Staff is working to develop a schedule of actions required by each party to support transition on January 1, 2010, and is working with the attorney to identify and develop appropriate transition documents.

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.

Staff is currently working on a companion document, the Emergency Operations Plan, which will guide the activation of the Emergency Operations Center if required. WETA will participate in a regional transportation table top exercise in October simulating a major disaster requiring a regional response from various transportation and related agencies. Staff met with Vicky Hennessy and Rob Dudgeon of the S.F. Department of Emergency Management, reviewing the EWTSMMP, communications and exercise participation.

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 is currently underway by Kvichak Marine Industries and Nichols Brothers Boat Builders, Ice Floe DBA. Vessels are expected for delivery in late 2009 and early 2010. On the terminal side, the demolition and dredging invitations for bids were released on June 22, 2009 and 3 bids were received on Wednesday July 22, 2009. The apparent lowest bidder was Salt River Construction at \$1,197,965. This is approximately \$600,000 less than the engineer's estimate. The lease agreement for use of the terminal site has been signed by all parties however WETA cannot enter the premises to start construction work until an initial payment has been made by CalEMA. Staff is working with CalEMA to secure this project payment so that the first construction phase of the SSF project (demolition and dredging) can move forward in September.

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

WETA completed a draft Environmental Impact Report/Statement (EIR/EIS), which evaluated the impacts of a proposed Berkeley Ferry Terminal at four potential sites. WETA received approximately 60 public comments on the Draft EIR. At the April 2, 2009 WETA Board of Directors meeting, the Board selected the "Berkeley Fishing Pier" as the locally preferred site for Berkeley-to-San Francisco service. URS is currently working on the Final EIR/EIS which is expected to be released for public comment in September 2009. Staff is working with the City of Berkeley and with members of the Berkeley City Council and the public concerned about the potential impact of the terminal site on windsurfers in the area to better understand and address their specific concerns, as possible.

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.

The City of San Francisco is currently conducting the environmental assessment of the TI development and related new ferry services. A draft document is expected late this year. WETA is the lead agency for the design work of the ferry terminal and awarded a contract to Skidmore Owens & Merrill, LLP in January 2009. Conceptual design is underway and expected to be completed by late August 2009.

Downtown San Francisco Ferry Berthing Expansion - This project will expand ferry berthing capacity at the SF Ferry Terminal in order to accommodate expanded regular and emergency response ferry services.

WETA and staff from the Port of San Francisco are developing a cooperative MOU to define the scope and shared responsibilities related to the development of this project. This agreement will need to be developed prior to establishing a project scope for the environmental review component of the project.

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 has since worked to secure required permits and finalize project design.

As a condition to obtain the required Bay Conservation and Development Commission (BCDC) permit, maximum feasible public access must be provided which will be discussed in detail in a different agenda item. Once BCDC issues the permit, procurement and construction will take approximately 9 to 12 months. Staff anticipates bringing forward an item to release the RFP for this project in September/October.

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.

Staff, with assistance from Jones + Stokes, has identified a site at the former Navy Pier 5 in Alameda as an ideal candidate for the agency's operations and maintenance facility, which will be discussed in more detail in another item on the agenda. Provided that Proposition 1B funds are reinstated, staff will work to re-start consultant efforts to facilitate project planning and development.

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.

Impact Sciences has completed the Administrative draft environmental assessment. FTA is now requiring the document be a complete EIS and that will add significant time to complete, including the federally mandated review processes for this level of an environmental document. Therefore the analysis will not be complete until 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 secure payment for prior work completed before the December 2008 funding freeze, and to discuss options for ensuring that once work is resumed, expense reimbursements will flow within a reasonable timeframe. Once funding cashflow issues are resolved with the State and consultants are staffed to resume work, each assessment should take approximately 18 months to complete. WETA will need to hire design firms for each project to support the EIRs.

OUTREACH, PUBLIC INFORMATION, AND MARKETING EFFORTS

On June 24, Nina Rannells attended a Bay Planning Coalition informational meeting at the Port of Oakland.

On June 24, Nina Rannells, John Sindzinski and Keith Stahnke attended an AOFS transition meeting with City of Alameda staff.

On June 25, Shirley Douglas represented WETA at a DBE Outreach Event, sponsored by the Bay Area Outreach Committee, which includes DBE Program Administrators for all Bay Area Transit Agencies.

On June 29, July 6, July 20, July 21 and July 28, John Sindzinski and Shirley Douglas met with Berkeley City Council members to discuss Berkeley ferry service.

On June 30, Nina Rannells and Lynne Yu met with Alameda County Transportation Improvement Authority regarding the transfer of Measure B funds associated with AOFS.

On July 2, Nina Rannells, Keith Stahnke and Shirley Douglas hosted a Port of Oakland event onboard Gemini, which included Ray LaHood, Secretary of Transportation, Congresswoman Barbara Lee, Omar Benjamin, Port of Oakland Executive Director and Stockton and Sacramento Port Directors.

On July 8, Shirley Douglas attended a Berkeley Chamber of Commerce New Members event.

On July 8, Keith Stahnke participated in the Bay Area Urban Area Security Intuitive (UASI) Mass Evacuation Transportation Steering Committee meeting.

On July 9, Keith Stahnke participated in the MTC Transportation Response Plan (TRP) meeting.

On July 13, Keith Stahnke represented the Authority at a Biodiesel implementation for Bay Area Ferry Fleets workshop.

On July 20, Keith Stahnke represented the Authority at a meeting with the S.F. Department of Emergency Management, reviewing the Emergency Water Transportation System Management Plan.

On July 23, Keith Stahnke participated in the S.F. Vessel Mutual Assistance exercise planning meeting.

OTHER ACTIVITIES / ITEMS

On August 19, WETA will participate in a special ferry ride sponsored by the Women's Transportation Seminar (WTS) on board Gemini. It will include a reception and comments by Nina Rannells on Gemini and WETA's expanded mission.

On September 10, WTS will host a reception at the San Francisco Ferry Building in honor of Nina Rannells

Proposition 1B Funds – On May 18, 2009, WETA received a letter from California Emergency Management Agency (CalEMA) indicating that our Proposition 1B funds are re-instated as of May 15, 2009. Staff has been in communication with CalEMA regarding funding details specific to WETA projects and needs, including discussing expected payment terms and timelines, with discussions focused on addressing agency cashflow issues that could arise if Proposition 1B funds are not reimbursed in a reasonable timeframe. WETA staff discussed SSF terminal project specifics with the State Treasurer's office on July 30, as a part of the State's process for ensuring that project expenses meet the eligibility requirements for tax-exempt GO Bonds.

AB 1203 – This bill would direct the State to provide Proposition 1B waterborne funds to WETA on an up-front, vs. 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 passed the Assembly Floor on May 28, 2009, and is slated to be taken up by the Senate after the summer recess ends on August 15.

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. Regardless, DIR has indicated that they will consider issuing a special prevailing wage rate determination for regular passenger ferry operations workers. WETA is currently working with DIR to provide information they have requested in order to complete this analysis and will bring this subject back to the Board for discussion once this work has been completed.

ADMINISTRATION

Staffing Update – FY 2009/10 promises to be a year of significant change as we move to fill our out staff roster and shift our activities toward project and service implementation. Since the Board met last, we have added two new staff members to our team.

First, **Lynne Yu** joins us as our new Finance and Grants Manager. Prior to joining WETA, Lynne Yu was the Capital and Grant Programs Analyst for the Golden Gate Bridge, Highway and Transportation District (GGBHTD). She has extensive experience in working with project managers on monitoring capital projects as well as working with various funding agencies such as FTA, CalEMA and MTC on all aspects of grants management. At GGBHTD she was charged with the preparation of all Federal, State and Local compliance reports such as the NTD Report, State Controller's Report and MTC's TDA Claim Application and worked very closely with various audit and accounting staff to ensure that operating and capital accounting and grant program requirements and standards were met. Lynne is also an experienced financial analyst. Prior to working for GGBHTD, she served as an Assistant Controller for a 550- room luxury hotel in San Francisco for 9 years where she was charged with the preparation of monthly financial statements the annual budgets and served as the point person for all audits. I had the pleasure and privilege of working with Lynne in my prior job with GGBHTD, and know that she will be an outstanding addition to our staff.

Second, **Lauren Duran** has joined us as a Policy/Administrative Analyst. Lauren, who previously worked for WTA as an Administrative Assistant for almost two years, returns to us after having completed a Master's Degree in Public Policy at Mills College last year. Lauren is smart, enthusiastic and hard working, and has already immersed herself in several WETA projects including prevailing wage discussions and analysis, Alameda service transition details, organization of the Emergency Operations Center and more. Lauren brings strong writing, research and quantitative analysis skills to the organization, which will be invaluable as we move forward to implement new policies and programs.

In addition to adding staff, we will be losing one person as **Shirley Douglas**, our Manager of Community Relations, moves on to retirement. Shirley started at WTA in January 2006, after working almost 30 years at Bechtel Corporation in marketing and business development. During her tenure at Bechtel, she worked as a project manager for the BART to SFO extension and for the Santa Clara County Measure A Highway Improvement Project. Shirley has been an incredible asset to WTA/WETA, working to develop extensive community contacts, develop informational and promotional materials, plan and manage agency events, interact with the media and develop marketing plans and programs for the organization. Shirley's positive attitude and initiative will be sorely missed at WETA, as will her ability to find humor in every situation.

An effort to recruit to fill Shirley's position, as well as the new planner position authorized through the FY 2009/10 budget, are underway and we hope to fill these positions soon.

June Financial Statements - Attached are the monthly financial statements for June 2009, including the Statement of Revenues and Expenses and the Capital Budget vs. Expenditures reports.

Water Emergency Transportation Authority
Statement of Revenues and Expenses
June 2009

	Current Month	Prior Year Actual	FY 2008/09 Budget	FY 2008/09 Actual	% of Budget
% of Year Elapsed					
100%					
Operating Revenues					
Operating Assistance					
RM 2 Operating	849,593	3,000,000	4,350,000	3,646,857	83.8%
SUASI	173,802	-	200,000	173,802	86.9%
Total Operating Assistance	1,023,395	3,000,000	4,550,000	3,820,659	84.0%
Other Revenues					
Interest Income	4,500	63,610	50,000	34,643	69.3%
Other	51,500	8,250	-	51,500	0.0%
Total Other Revenues	56,000	71,860	50,000	86,143	172.3%
Total Operating Revenues	1,079,395	3,071,860	4,600,000	3,906,802	84.9%
Total Capital Revenues	1,138,522	17,675,940	40,442,670	11,935,613	29.5%
Total Revenues	2,217,917	20,747,800	45,042,670	15,842,415	35.2%
Operating Expenses					
Operations					
Wages and Fringe Benefits	114,349	1,423,740	1,590,000	1,248,230	78.5%
Services	922,599	1,195,960	2,478,000	2,175,623	87.8%
Materials and Supplies	5,650	26,150	57,000	29,045	51.0%
Utilities	2,042	12,710	17,000	12,847	75.6%
Insurance	733	31,760	35,000	30,352	86.7%
Miscellaneous	6,209	51,640	83,000	66,170	79.7%
Leases and Rentals	23,313	266,290	290,000	295,942	102.0%
Total Operations	1,074,895	3,008,250	4,550,000	3,858,211	84.8%
Total Operating Expenses	1,074,895	3,008,250	4,550,000	3,858,211	84.8%
Total Capital Expenses	1,138,522	17,675,940	40,442,670	11,935,613	29.5%
Total Expenses	2,213,417	20,684,190	44,992,670	15,793,823	35.1%
Excess Revenues (Loss)	4,500	63,610		48,592	

**Water Emergency Transportation Authority
FY 2008/09 Capital Budget vs Expenditures
June 2009**

Project Description	Current Month	Project Budget	Prior Year Actual	2008/09 Budget*	2008/09 Actual	Future Year	% of Project
Expenses							
2 Spare Vessels	(24)	17,000,000	13,355,300	3,444,700	3,181,492	200,000	97%
SSF Vessels	1,365,440	20,500,000	3,819,150	10,221,820	7,622,748	6,459,030	56%
SSF Terminal Design	-	3,000,000	2,258,000	542,000	550,129	200,000	94%
SSF Mitigation Study	-	275,000	19,220	255,780	16,361	-	13%
SSF Terminal Construction	-	29,000,000	-	15,000,000	-	14,000,000	0%
Berkeley Environ/Conceptual Design	-	1,782,700	1,344,650	438,050	145,589	-	84%
Berkeley Terminal Design	-	3,200,000	-	1,500,000	-	1,700,000	0%
Hercules Environ/Conceptual Design	-	1,080,000	745,260	334,740	162,756	-	84%
Hercules Terminal Design	-	3,200,000	-	1,500,000	-	1,700,000	0%
Pier 9 Mooring/Floats	-	2,750,000	44,420	2,705,580	193,142	-	9%
Environmental Studies/Conceptual Design	(226,287)	3,000,000	-	2,000,000	56,000	1,000,000	2%
Maintenance Barge/Facility	(608)	12,000,000	-	2,500,000	7,394	9,500,000	0%
Total Capital Expenses	1,138,522	96,787,700	21,586,000	40,442,670	11,935,613	34,759,030	
Revenues							
RM 2	1,358,230	37,887,700	20,039,780	13,704,350	10,712,554	4,143,570	81%
San Mateo Sales Tax	-	15,000,000	-	7,758,620	-	7,241,380	0%
Federal	501,014	12,500,000	1,546,220	6,325,900	1,159,664	4,627,880	22%
Proposition 1B	(720,722)	31,400,000	-	12,653,800	63,395	18,746,200	0%
Total Capital Revenues	1,138,522	96,787,700	21,586,000	40,442,670	11,935,613	34,759,030	

* FY 2008/09 Budget amount includes \$913,030 budgeted but not spent in FY 2007/08.

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Peter Friedmann
Of Counsel

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DATE: July 30, 2009
TO: WETA Board of Directors
FROM: Peter Friedmann
SUBJECT: Report to the WETA Board

This has been a month of extraordinary activity – some victories, a disappointment and promise of some very good things to come.

We began the month with good news. Representative Barbara Lee was successful in inserting \$1 million for WETA in the Transportation Appropriation bill now moving through the House. Only eight ferry projects around the country received any funding, and no one received more than WETA. We are presently working on the Senate side to gain a similar amount or more. This legislation will likely pass in September, and the money available to WETA in October.

Over the course of the past few months, we built a formidable coalition in support of a large Economic Stimulus grant to WETA. We gained a letter from Speaker Pelosi, Rep. Jackie Speier and Rep. Barbara Lee to CalTrans urging that WETA be the number one ferry priority for Stimulus money. CalTrans agreed. The U.S. Department of Transportation had said that they would award Stimulus money according to state priorities. We fully expected that most of the Stimulus money for ferries would go to Washington State (since Patty Murray had inserted \$100 million in the Stimulus for ferry boats). And we were the number one California priority! Imagine our surprise when the Stimulus grants were announced – Washington State got \$0, and California's number one priority (ours) was not funded. Many angry people on Capitol Hill, DOT Secretary LaHood being called on the carpet. The next day, Assistant Secretary of DOT and the head of Federal Highway Administration and their staff were called to the Hill by our own Bay Area Delegation (Pelosi, Speier, and Lee) to explain what went wrong. Profuse apologies for an incredibly sloppy grant review process (and for changing the rules without telling any of the applicants). The good news is that our Delegation is bound and determined to fix this mistake, and we believe DOT is as well, and the end result will be more funds for WETA.

Our immediate target is some remaining un-obligated ferry boat funds at DOT, for which WETA has submitted a substantial grant application. Our Delegation team has already written to DOT in support of this grant. The ILWU/IBU Washington Representative is working with us and the Delegation as well. Our hope is to see this money flow to WETA within the next two months.

The real PLUS is that at no time previously have our key members of Congress been so intimately familiar with the details of WETA's projects and needs, so motivated to deliver, and so committed to weigh in at every opportunity. And the biggest opportunity is yet to come – the next Transportation Authorization bill for which we are seeking to assure a steady flow of funding to WETA at very ambitious levels.

Respectfully submitted,

Peter Friedmann

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(June 18, 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 1:10 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows, Director Beverly Johnson and Director John O'Rourke. Director Bellows led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson reported on the debut of Pisces in service to Harbor Bay on June 8. She said that she enjoyed talking to the crew and passengers and that all were impressed with the speed and amenities of the vessel.

Chair Johnson also noted the addition of item 4.5 to the agenda regarding the South San Francisco terminal. WETA counsel Stanley Taylor of Nossaman, LLP noted that the urgency item was procedural and not substantive.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells noted that the South San Francisco project continued to move ahead. She reported that the San Mateo County Harbor District had approved the lease agreement and that the South San Francisco City Council would be approving the lease later that day.

4.5 APPROVAL OF RELEASE OF INVITATION FOR BID FOR SOUTH SAN FRANCISCO DEMOLITION AND DREDGING PROJECT

Ms. Rannells noted that with the lease in place, the South San Francisco terminal project would be able to move ahead. She introduced the urgency item 4.5 regarding issuing an IFB for the demolition and dredging work required before terminal construction could begin. She noted that the work must be done within a limited time frame in order to maintain the project schedule.

Mr. Taylor stated that per the WETA Administrative Code, items over \$100,000 required board approval. He said that although the item had been approved by the board at the December meeting, the board had requested that the item be brought back with additional details. He noted it was added as an urgent item because the demolition and dredging work needed to be completed before November 30 and that the comments from the Department of Boating and Waterways that allowed the lease to move forward had not been received until after the meeting had been agendized.

Vice Chair Intintoli made a motion to add item 4.5 to the agenda. Director Johnson seconded the motion and the addition of the item carried unanimously.

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

Public Comment

Marina Secchitano of IBU asked for clarification of the date by which the work would need to be completed. Manager of Planning and Development John Sindzinski said that work had to be out of the water no later than November 30.

5. REPORTS OF STAFF

Chair Johnson introduced Barry Broad of Broad & Gusman in Sacramento who offered a State Legislative Report. He noted passage in the State Assembly of AB 1203, sponsored by Fiona Ma, which would allow for direct payment of Proposition 1B funds to WETA instead of the current system of payment in arrears. He said that the bill would soon be in the State Senate and he anticipated easy passage. He noted that Metrolink in Los Angeles had made overtures to attach themselves to the bill, but that that may not be desirable to WETA due to Metrolink's recent publicity due to a fatal train derailment. He said that if Metrolink pursued this direction, he would notify WETA before moving ahead.

Mr. Broad proceeded with an overview of the state budget situation. He noted that \$50 million had been appropriated to WETA and that WETA should not be affected by the current state budget negotiations. Regarding the impacts to other agencies, he noted that Boating and Waterways may be eliminated and rolled into the DMV but that BCDC would survive the budget cuts. He also noted that a new coastal commission for the Bay Delta may be established that he felt could potentially impact WETA regarding environmental concerns in the region.

Vice Chair Intintoli asked for clarification on how WETA's funds could be considered safe in the current fiscal environment. Mr. Broad replied that the funds had already been appropriated and could be spent. Ms. Rannells added that there would be \$50 million in play for the first two years in the budget. Vice Chair Intintoli asked if they might go back and change the appropriation and Mr. Broad replied that it was extraordinarily unlikely.

Vice Chair Intintoli noted that cities can form coalitions to take a combined agenda to Sacramento or DC, and asked if WETA could similarly coordinate with cities on joint agendas. Mr. Broad said that this was already being done with cities that have an interest in WETA's plans. Ms. Rannells added that national transit groups such as APTA serve a similar purpose and that as WETA transitioned into becoming an operator it would become more engaged with the agendas of such groups.

6. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the June 4, 2009 Board of Directors meeting with an amendment requested by Crystal Odum Ford. Director Bellows seconded the motion and the item carried unanimously.

7. ADOPTION OF FINAL TRANSITION PLAN

Ms. Rannells presented this item to adopt WETA's Final Transition Plan. She reviewed the background of the plan, noting that it was developed over several months with the assistance of consultants and significant input from City of Alameda, City of Vallejo and Metropolitan Transportation Commission staffs. She reminded the board that a Draft Transition Plan had

been published on April 2, followed by a 45 day public comment period and three public hearings held in San Francisco, Alameda and Vallejo. She added that the plan was also presented and discussed with a number of stakeholder organizations during the comment period, including WETA's Community Advisory Committee, San Mateo Transit Advocates, and the Alameda and Vallejo City Councils.

Ms. Rannells stated that at the June 4 meeting of the board, staff had presented a memorandum outlining the public comments and proposed changes to be made to the final plan. She said that the plan presented in this item incorporated these changes and represented the recommended plan for adoption by the Board of Directors.

Vice Chair Intintoli noted that on the last page of the Transition Plan project schedule, item 30 should be corrected to a start date of July 2010 for Vallejo service. Ms. Rannells said that the typo would be corrected.

Vice Chair Intintoli added that he felt that the plan was good. Director Bellows followed up on a discussion from the prior meeting regarding a concern over liabilities that WETA may inherit from the cities. Ms. Rannells responded that any liabilities that arise during discussions and negotiations with the cities during the transition would be brought before the Board.

Director Johnson asked if the plan was sufficiently broad to maintain flexibility over costs and services. Ms. Rannells replied that it was and that service levels would be reviewed as needed. Director Johnson noted that she understood that the cities want assurances regarding service levels but that as an operator WETA needed to be realistic. Ms. Rannells agreed, noting WETA's commitment to the service as well as the need to maintain flexibility.

Vice Chair Intintoli made a motion to adopt the Final Transition Plan. Director O'Rourke seconded the motion and the item carried unanimously.

8. ADOPTION OF FINAL EMERGENCY WATER TRANSPORTATION SYSTEM MANAGEMENT PLAN

Ms. Rannells presented this item to adopt WETA's Final Emergency Water Transportation System Management Plan(EWTSMP). She reported that WETA developed the EWTSMP over a nine month period with the assistance of consultants and the input of two stakeholder groups consisting of emergency response and transportation agencies. She reminded the board that WETA published a draft of the EWTSMP on April 2, followed by a 45 day public comment period and three public hearings held in the cities of San Francisco, Vallejo and Alameda. She added that the plan was also presented and discussed with a number of stakeholder organizations during the public comment period, including WETA's Community Advisory Committee, the San Mateo County Transit Advocates, and the Vallejo and Alameda City Councils.

Ms. Rannells reviewed the memorandum outlining stakeholder and public comments on the EWTSMP plan and proposed changes to be made to the final plan at the June 4 board meeting. She stated that the plan presented for adoption in this item incorporated these changes and represented the recommended final plan for adoption by the Board of Directors.

Vice Chair Intintoli made a motion to adopt the Final Water Emergency Transportation Authority Emergency Water Transportation System Management Plan. Director Bellows seconded the motion and the item carried unanimously.

9. AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR \$1.5 MILLION FY 2009/10 REGIONAL MEASURE 2 OPERATING FUNDS

Ms. Rannells presented this item to authorize the filing of an application with the Metropolitan Transportation Commission (MTC) for \$1.5 million to support various operating activities in FY 2009/10, including funds for vessel operations, the transition, marketing and emergency response activities, and to authorize the Executive Director to execute the associated agreements.

Director Bellows asked if this amount would leave sufficient funding for emergency response activities. Ms. Rannells said that this was a sufficient start for WETA as it currently exists, but that additional funds and activities could be required once WETA assumes the responsibilities of existing city operations. WETA will have the opportunity to revise and adjust its budget and associated funding requests when it transitions to take over Alameda's ferry services.

Vice Chair Intintoli asked if WETA would coordinate marketing activities with the cities. Ms. Rannells responded that coordination was already underway, with Vallejo in particular.

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

10. AUTHORIZE THE METROPOLITAN TRANSPORTATION COMMISSION TO DIRECTLY ALLOCATE FY 2009/10 REGIONAL MEASURE 1 AND REGIONAL MEASURE 2 FUNDS TO THE CITIES OF ALAMEDA AND VALLEJO

Ms. Rannells presented this item regarding a request to authorize MTC to directly allocate FY 2009/10 Regional Measure 1 and Regional Measure 2 funds historically available to the cities of Alameda and Vallejo to support ferry services.

Director Johnson said that these funds should be monitored by WETA over the course of the transition. Ms. Rannells said that they would be monitored as budget items.

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

11. AUTHORIZE THE METROPOLITAN TRANSPORTATION COMMISSION TO ALLOCATE AN ADDITIONAL \$2 MILLION REGIONAL MEASURE 2 FUNDS TO SUPPORT FY 2009/10 VALLEJO FERRY OPERATIONS

Ms. Rannells presented this item to authorize MTC to allocate an additional \$2 million Regional Measure 2 funds to support FY 2009/10 Vallejo Ferry operations. She reviewed the history of using these funds to support Vallejo services in FY 2008/09, noting that WETA supported MTC allocation of an additional \$1.9 million of these RM2 funds to support a revised Baylink budget and an operating plan to address sharp ridership decreases experienced beginning in June 2008 with the initiation of a 20% fare increase, and that Vallejo's plan allowed for a partial roll-back of the June fare increase and deferred proposed service reductions in an effort to stabilize Baylink's services and gain back the ridership lost in the preceding months.

Ms. Rannells noted that further to Director Johnson's earlier comment about flexibility and sustainability of service that it would be important for WETA to develop a balanced program of services as an operator, but that WETA's ability to access these additional Regional Measure 2 funds to support the Vallejo ferry operation at the current time provides an opportunity for Baylink to maintain services at existing levels during the transition.

Vice Chair Intintoli noted that Vallejo might not use all of the funds, but if they are not requested then they are lost to both Vallejo and WETA per MTC's Regional Measure 2 policies. He added the Vallejo only used \$800,000 of the prior year's request of \$1.9 million. Ms. Rannells acknowledged Vice Chair Intintoli's comments and re-iterated the importance in working to secure access to as much Regional Measure 2 funds per year as possible to support the many responsibilities bestowed on WETA.

Director O'Rourke suggested that WETA should consider buying fuel futures to be prepared for price fluctuations. Director Johnson asked how Blue & Gold bought their fuel and if it would be possible to store greater amounts to protect against price increases. Operations Manager Keith Stahnke said that the limiting factor was the current lack of fuel storage facilities, and that Blue & Gold needed to purchase fuel as many as three times a week during the summer months.

Public Comment

Crystal Odum Ford, Transportation Superintendent, City of Vallejo, thanked WETA for its consideration. She said that she looked forward to a continued partnership with WETA and to working with MTC on allocating the full request. She added that she looked forward to continuing talks with WETA as well as the City of Alameda regarding sustainability of ferry service.

Director Bellows made a motion to approve the item. Director Johnson seconded the motion and the item carried unanimously.

12. AUTHORIZE FILING AN APPLICATION FOR FTA SECTION 5307 AND 5309 FIXED GUIDEWAY FUNDING TO SUPPORT ALAMEDA FERRY SYSTEM CAPITAL PROJECTS FOR FY 2009/10 - 2011/12

Ms. Rannells presented this item to authorize the filing an application for fiscal years 2009/10, 2010/11, and 2011/12 Federal Transit Administration Sections 5307 and 5309 funding to support various projects associated with the Alameda ferry system.

Ms. Rannells noted that the City of Alameda had not previously received these funds for their ferry services as they were not an eligible recipient of FTA funds, but that MTC had agreed to allow WETA to submit a program of potential Alameda projects into the TCP process. She added that this program would serve as a place-holder for future federal funds to support Alameda system needs until WETA and the City of Alameda complete the transition process.

Vice Chair Intintoli asked what the source of local matching funds was. Ms. Rannells replied that it would likely be a mix of Regional Measure 1, Alameda sales tax funds for ferries, and AB 664 local match funds available through MTC. Director Johnson noted that Alameda was not currently eligible for these federal funds and was looking forward to this change.

Public Comment

Marina Secchitano of IBU asked if these funds could be used to support Port of San Francisco ferry facilities. Ms. Rannells replied that it was possible that some of the floats that needed rehabilitation could be funded but that further discussions with the Port and MTC would be required to determine eligibility..

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

13. PUBLIC COMMENT

Bruce Lockey, Berkeley resident and ferry advocate, said that he wanted to see catamarans each and every way on the bay, in San Francisco, Hercules, Richmond, Antioch and Martinez, but probably not in Petaluma. He suggested the formation of a “Friends of WETA” committee.

14. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:35 p.m. Upon reopening of the meeting at 3:05 p.m. she reported that no action had been taken.

14. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:06 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
John Sindzinski, Manager, Planning & Development

SUBJECT: Status Report on the South San Francisco Terminal Construction Project

Recommendation

No action requested as this is an information item only.

Background & Discussion

This memorandum summarizes the current status of the construction of the WETA ferry terminal located at Oyster Point in the City of South San Francisco.

- **Lease with the San Mateo Harbor District:** The lease has been signed by the three parties, WETA, the Harbor District and the City of South San Francisco. However, it is not in effect until the State completes WETA's requested transfer of \$3.66 million in Proposition 1B funds to the Department of Boating and Waterways (DBW) as specified by the lease. WETA cannot proceed with any construction work until the lease is funded as the agency has no legal right to the site absent this payment. Staff has had numerous discussions with the DBW and CalEMA regarding this transaction and expects this payment to be made in time to start the dredging work in September.
- **Permits:** All regional and federal permits from BCDC, the Regional Water Control Board and the Army Corps of Engineers have been received. Additionally, the City of South San Francisco has approved an amendment to its plans that allows the terminal to be built at the site. The remaining permit, the City Building Permit, applies only to the terminal portion of the project and will be the responsibility of the terminal construction contractor to obtain once one has been selected.
- **Demolition and Dredging Contract:** This is the first of three separate construction projects to build the ferry terminal. It includes all site work, such as the removal of Docks 9 and 10 where the terminal will be constructed, and the shortening of Docks 11 through 13 to make the channel to the terminal wide enough for the ferry vessels. The dredging of the channel and the location for the float can begin once the docks are removed. The dredging involves deepening the entrance channel to minus 8 feet and the area under the float to 10 feet below low tide. Altogether the dredging will remove slightly more than 45,000 cubic yards of Bay fill that will be disposed of at Alcatraz Island. Pursuant to the action the WETA Board took in June, an Invitation for Bids for this contract was released on June 22. A pre-bid conference was held on July 1 and was attended by five contractors with strong indications that most, but not all, would bid on the project. Sealed bids were opened on July 22 and WETA has prepared a recommendation for contract award to be considered under a separate action

item this month. It will be important for this first project contract to move forward now, as all dredging work must be completed within the in-water construction window which closes on November 30. The engineer's estimated value of this contract is \$1.8 million.

- **Contracts for terminal and float construction:** The second and third segments of the SSF terminal project involve building the terminal itself and the gangway and float for the terminal, respectively. The terminal construction project includes driving piles to support the pier section of the terminal, constructing all of the landside improvements and building the terminal from landside to the waterside end where it will connect with the gangway. The float portion of the project involves fabricating and affixing the gangway and float to the terminal and will require that this contractor drive the guide piles that hold the float in place. While the terminal segment must be built on-site the float will be built at a boat yard off-site and includes having the float delivered to Oyster Point once completed. The float is specified to be a standard size that would be a prototype for WETA and would serve as the model for future ferry terminals. The engineer's estimate for the terminal project is approximately \$7 million and \$9.5 million for the gangway and float project.

Each project is a "design build" type of project meaning that the selected contractors will finalize designs, using the drawings prepared for WETA by ROMA Design, the project architect, and building methods for each. The contractors will be expected to prepare final designs and production drawings and specification that will be reviewed by WETA as to conformance with standards and specifications. Each project is a Request for Proposal type of contractor selection process in that the contractors will submit and be selected on a number of factors including experience, references, financial capacity, costs, proposed approach to design and construction and related factors. These RFPs are being finalized by our legal counsel and with input from staff and the project architect. Staff anticipates requesting authorization to release these RFPs at next month's Board meeting.

Project Cashflows

Our ability to move this project forward is dependent upon the funding of the lease at Oyster Point with Proposition 1B funds, as mentioned above, as well as addressing project construction cash flow needs for the float and terminal construction contracts to follow demolition and dredging activities.

Combined, the terminal and float construction contracts represent over \$16 million in costs, an amount well beyond the financial resources WETA has on hand at any one time to pay invoices and then seek reimbursement from the various grants dedicated to the project budget. This is a particularly difficult problem for small transit agencies, such as WETA, that do not have a large reserve of funds to draw from as payments come due and access to grant funds for major capital projects are available only after the bills are paid to the contractors. This is not a problem for the demolition and dredging contract due to the size of the project budget (\$1.2 million) relative to the amount of cash on hand and the mix of grant funds to be utilized (sufficient federal funds are available that can be accessed up front).

As was identified in the WETA Transition Plan, establishment of cash reserves or other funding mechanisms that address agency cash flow needs is critical to WETA's ability to carry out its capital and operating programs. Staff continues to work to identify potential

options and solutions to this issue and will provide the Board with a discussion on options at a future Board meeting, and prior to award of the larger float and terminal construction contracts.

Project Schedule

The contractor selection process and construction schedule is based on completion of RFPs, the timing of Board meetings , allowances for pre bid conferences, proposal preparation and review time and engineer's estimates of the time it will take to fabricate, deliver and install the float and gangway as well as to build the terminal and landside improvements. This schedule also assumes that all project funding is available and in place, and project cash flow needs are met.

Demolition and Dredging

Release IFB	June 22, 2009
Contract Award	August 6, 2009
Notice to Proceed	September 1, 2009
Work completed	November 15, 2009

Float fabrication

Release RFP	September 11, 2009
Contract Award	November 5, 2009
Notice to Proceed	December 15, 2009
Delivery of completed float	May 2011
Float installation	June 2011

Terminal and landside improvements

Release RFP	November 1, 2009
Contract Award	February 2010
Notice to Proceed	April 2011
Construction Completed	June 2011

Fiscal Impact

This is an information item only.

MEMORANDUM

TO: Board Members

FROM: John Sindzinski, Manager, Planning & Development
Nina Rannells, Executive Director

SUBJECT: Award of Demolition and Dredging Contract for the South San Francisco Ferry Terminal Construction Project

Recommendation

Approve the award of a contract to complete demolition and dredging work for the South San Francisco ferry terminal to the firm of Salt River Construction in an amount of \$1,197,965 and authorize the Executive Director to negotiate and execute the contract, with contract execution subject to availability of Proposition 1B funds to support the project.

Background

Pursuant to WETA Board of Directors action the Invitation for Bids (IFB) for the demolition and dredging work for the South San Francisco ferry terminal project was issued on June 22, 2009. This IFB seeks to select, on the basis of the lowest cost bid that is responsive to WETA's standards, a contractor to demolish existing Piers 9 and 10, shorten Piers 11, 12 and 13 and dredge the channel and location where the float will be secured inside the Oyster Point Marina in South San Francisco. This work generally constitutes the entirety of the site preparation work for the construction of the South San Francisco ferry terminal and is expected to cost about \$1.8 million, per the engineer's estimate. The project schedule indicates that the proposed date of the "Notice to Proceed" with this work is on or about September 8, 2009 and that all work must be completed by November 30, 2009 to comply with the restriction for "in the bay" construction as set forth by regulatory agencies and the permits WETA has secured for this work.

A three-party lease has been signed by WETA, the Harbor District and the City of South San Francisco in June for the use of the Oyster Point Marina site for the SSF terminal construction. Per the terms of this lease agreement, WETA cannot access the terminal site until the lease terms are funded. Staff is working with CalEMA to secure the initial project payment prior to the planned project construction start date in September.

Discussion

WETA staff conducted a prebid meeting at Oyster Point on July 1, 2009 and issued two addenda to the original IFB clarifying the specifications set forth in the IFB, responding to prebid questions and including the engineer's estimate.

The bid opening was held, according to the schedule set forth in the IFB at 2:00PM on Wednesday July 22, 2009. A total of three bids were submitted with bids ranging in cost from \$1,197,965 to \$2,298,920. The bid from Salt River Construction of Tiburon, CA was judged to be the lowest responsive submittal. The amount of this contractor's bid is \$1,197,965 which is approximately \$600,000 less than the engineer's estimate and includes approximately \$12,000 in work using DBE firms.

Subsequent to the bid opening WETA staff and its construction manger examined the apparent lowest responsive bidder and determined that the bid from Salt Water meets the requirements of the IFB and that their references were satisfactory. Attached to this memorandum please find a letter from our Construction Manager, Bill Davis of Ghirardelli Associates summarizing these findings.

Accordingly staff recommends that the contract for the demolition and dredging work for the South San Francisco ferry terminal project be awarded to Salt River Construction for a total price of \$1,197,965.

Fiscal Impact

This project is included in the FY 2009/10 Capital Budget, and will be funded with a mix of federal, state and local grant sources.

July 28, 2009

John Sindzinski
Manager, Planning and Development
Water Transit Authority
Pier 9, Suite 111
San Francisco, CA 94111

Ref: Review of Salt River Construction Bid Package

Dear Mr. Sindzinski:

I have reviewed the bid package for Salt River Construction (SRC), the apparent low bidder in the Demolition and Dredging project Invitation for Bid. Their bid contained the required documents and my review of those documents including verification of references and surety discovered no inaccuracies or inconsistencies.

SRC listed references for four projects ranging in value from \$230,000 to \$2,100,000. All of the references provided positive reviews of SRC's work quality, professionalism and competency. Each reference indicated that they would hire SRC for similar projects if given the opportunity. There were no negative comments from the references. The references were:

Robert Johnson	Oyster Point Marina
Jeff Mosley	Paradise Cay Marina
Don Gussler	Emeryville City Marina
Darryl Spears	City of Vallejo Public Works

I called American Safety Casualty Insurance Company regarding the SRC bid guarantee bond. I was directed to John Daily who confirmed that the Bid Guarantee Bond in the bid package is in effect as stated.

I discussed the various Equal Opportunity, Subcontractor and DBE forms and certifications in the bid package with Shirley Douglas of the WETA staff. We concluded that the submitted documents meet the IFB requirements.

All other forms and certifications appeared to be properly filled in, signed and notarized.

Sincerely,



W. T. Davis
Construction Manager

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY
RESOLUTION NO. 2009-18**

**APPROVE THE AWARD OF A CONSTRUCTION CONTRACT WITH SALT RIVER
CONSTRUCTION FOR DEMOLITION AND DREDGING SERVICES AT THE OYSTER POINT
MARINA FOR THE SOUTH SAN FRANCISCO FERRY TERMINAL AND AUTHORIZE THE
EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE THE AGREEMENT**

WHEREAS:

The San Francisco Bay Area Water Emergency Transportation Authority (Authority) seeks to enter into an agreement with Salt River Construction to provide construction services for the dredging and demolition site work in connection with the South San Francisco ferry terminal; and,

WHEREAS:

The Authority has established procedures in its Administrative Code relating to the selection and contracting of Construction Services; and,

WHEREAS:

The Authority followed the procedures in its Administrative Code regarding issuing an Invitation for Bids and evaluating submittals in response thereto; and,

WHEREAS:

The Authority staff has recommended the award of this construction service that would commit the Authority to a contract in the amount of \$1,197,965.00.

THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Authority hereby approves a consulting services agreement with Salt River Construction for an amount not to exceed \$1,197,965.00 under the terms specified in the Board memo accompanying this resolution; and,

BE IT FURTHER RESOLVED THAT

Staff is authorized to enter into negotiations and execute a contract with Salt River Construction for a not to exceed contract in the amount of \$1,197,965.00.

CERTIFICATION

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on August 6, 2009.

AYE:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

END

2009-18

MEMORANDUM

TO: Board Members

FROM: John Sindzinski, Manager, Planning & Development
Nina Rannells, Executive Director

SUBJECT: Authorize Proceeding with Environmental Assessment Work and Issuing a Request for Qualifications for Design Services for the Central Bay Operations and Maintenance Facility

Recommendation

Authorize, by motion, proceeding with environmental assessment work and issuing a request for qualifications (RFQ) for design services for the Central Bay Operations and Maintenance Facility project.

Background

In May 2008 the WETA Board authorized entering into a contract with the consulting firm of Jones + Stokes to conduct preliminary and detailed environmental assessments of up to three locations (Richmond, Alameda and the Port of San Francisco) where WETA might locate and build one or more maintenance facilities. This award was for a not to exceed amount of \$500,000 and was intended to assist staff in researching the viability and buildability of using any of these sites for a ferry operations and maintenance facility.

As envisioned this facility would house, service and repair ferry vessels used by WETA routes serving the central bay, including Alameda/Oakland and Harbor Bay, as well as the future Oakland-to-South San Francisco and the Berkeley-to-San Francisco services. These services would require a facility large enough to accommodate 8 to 10 vessels, including those WETA will assume control of from the City of Alameda. This facility would serve as an operations base including vessel mooring, fuel storage, and an emergency operations center, a storage facility of spare parts, equipment and sundries and where running repairs could be done. Heavy duty repair or work requiring a dry dock would be contracted out to Bay Area shipyards.

Discussion

After reviewing prior site investigation work conducted by WTA regarding potential operations and maintenance sites and discussing site options with Richmond, San Francisco and Alameda staffs, WETA staff, with assistance from Jones + Stokes, has identified a site at the former Navy Pier 5 in Alameda as an ideal candidate for the agency's operations and maintenance facility. (See attachments for a site map and related information). This site is in an industrial area with a small landside footprint immediately adjacent to the berthing site of the US Hornet. As envisioned, the site would include a 15,000 square foot building in three stories that would house a maintenance shop, parts and sundry storage, an operations center, crew facilities and an administrative office as well as fuel storage and emergency power systems. Employee parking would be off-site so as to minimize the footprint of the landside facility into the space available. Preliminary discussions with City staff involved with the reuse of the site, which is inside the former Navy base, have been positive with respect to lease costs and permitting issues. There appears to be enough waterside space to build a

system of berthing docks and floats for at least 6 to 8 vessels, if not more. The location is central to the initial WETA routes and installation of fueling facilities, a critical function to the facility, appears to be feasible.

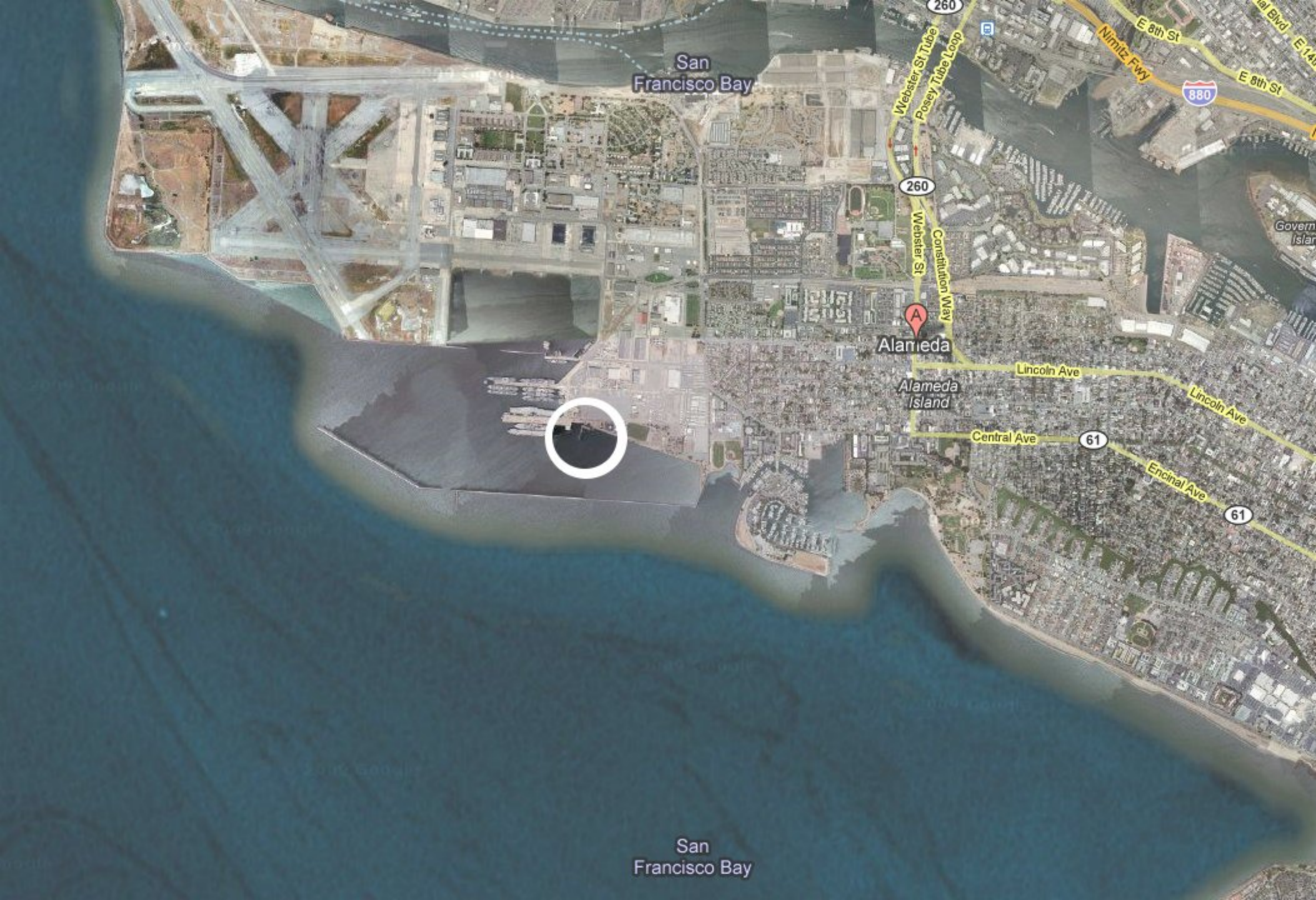
The Alameda site has emerged as the most viable and seemingly quickest to implement. This is quite important as the agency will soon have four of its own vessels to berth and maintain as well as four additional vessels once WETA assumes responsibility for the City of Alameda services. A consolidated Central Bay facility would promote efficiencies through deadhead trip reductions and is essential to support WETA emergency response mission. Development of this site does not preclude WETA from also developing future facilities in San Francisco or Richmond. However, at this juncture, neither of these locations is as ready to go in terms of development (sites in San Francisco will require a long lead time to secure and obtain the necessary approvals and would also require millions of dollars in pile restoration work just to make them suitable for development) or, particularly in the case of Richmond, are as ideally located to the service trip-generation terminals to make them priority sites.

Therefore, at this time, staff is requesting Board authorization to conduct detailed environmental studies to determine the impacts, if any, to use of the Alameda site for the operations and maintenance facility. Jones+Stokes, our environmental analysts, expect that the analysis should require minimal environmental documentation and they could complete this work and provide permitting assistance for a total cost of \$200,000.

Additionally staff is requesting Board authorization to issue a Request for Qualifications (RFQ) for an engineering firm to assist in the design of the facility, including all waterside improvements. Once submittals are received and reviewed, staff would return to the Board with a request to approve entering into a contract for design services for this project. Staff anticipates that this work would initially support the environmental review and include analyses to determine how well the site would meet WETA's needs for such a facility. Assuming the environmental review and design analyses are successful the engineering contract would then proceed with detailed engineering work to design the improvements to meet WETA's needs and to comply with any permitting requirements. Staff anticipates that the initial conceptual design services would not cost more than \$250,000, which can be funded within the remaining project budget of \$500,000 approved in May 2008. Subsequent work would require additional funding based on the final work scope for the project and the ultimate extent of improvements that the engineers will be tasked with designing.

Fiscal Impact

This project is included in the FY 2009/10 Capital Budget and would be funded with Proposition 1B funds. Staff would not proceed with project work until the CalEMA has confirmed availability of Proposition 1B funds and instituted a reimbursement process that assures payment within a reasonable (30 day) time period.



San Francisco Bay

Alameda

260

880

61

61

San Francisco Bay



W Hornet Ave

MEMORANDUM

TO: Board Members

FROM: Shirley Douglas, Manager, Community Relations
Nina Rannells, Executive Director

SUBJECT: Authorize Release of a Request for Qualifications (RFQ) for Marketing Services

Recommendation

Authorize by motion the release of a Request for Qualifications (RFQ) for consultant services to develop a multi-year Marketing Plan to assist WETA in implementing a creative and comprehensive system identity or branding strategy.

Background

In June, 2009, WETA adopted an *Emergency Water Transportation System Management Plan* and a *Transition Plan* which outlined WETA's expanded responsibilities for coordinating waterborne emergency response activities, consolidating Alameda-Oakland, Alameda Harbor Bay and Vallejo Baylink ferry services under WETA and planning and implementing new ferry routes. These expanded responsibilities require WETA to develop and implement a comprehensive marketing strategy aimed at building a system identity for WETA's ferry operation and emergency response services, which includes promoting seamless service transitions and sustainable ferry services.

In May, 2005, WETA's predecessor agency, the Water Transit Authority (WTA), completed a multiyear marketing plan focused on building new ferry ridership for an expanded network of ferry service to be built over a number of years. It was expected that each new ferry service would eventually have its own marketing plan to guide, launch and sustain marketing over time. Accordingly, in July 2007 WTA prepared a *Marketing Plan for South San Francisco/Oakland Ferry Service* using the *WTA Marketing Plan* as a framework. South San Francisco Ferry Service is expected to begin in late spring 2011 and WETA expects to implement recommended marketing activities to guide future activities and budgeting for launching ferry service in South San Francisco.

Additional marketing efforts undertaken in partnership with the City of Alameda includes development of an Alameda Harbor Bay Ferry Marketing Action Plan in 2005, which outlined expanded public relations and community outreach activities for the Alameda Harbor Bay Ferry. WETA staff is also working with the City of Vallejo on a variety of marketing activities, including developing a Draft Vallejo Baylink Ferry and Line 200 Marketing Plan in early 2009 aimed at increasing ridership on the Vallejo Baylink ferry and Vallejo Baylink Rider Appreciation Day on September 10.

Discussion

With this RFQ WETA intends to select a team qualified to build upon previous plans and develop a comprehensive multi-year Marketing Plan, which will include activities to increase public awareness of the emergency response, transit, and customer-focused benefits of consolidated regional ferry services, to retain and build upon the unique

offerings of existing ferry services and to maintain and build ferry ridership. Specific tasks will include:

- Development of marketing messages and a plan for delivering these messages;
- Development of a detailed plan for branding an identity encompassing WETA's ferry services, including strategies, tactics, and budgets for delivering this program;
- Recommendations for updates to WETA's informational materials and website to communicate the marketing messages and branding strategy and implement a phased integration with Alameda and Vallejo websites; and
- Recommendations for outreach programs, promotional events, and other activities that advance WETA's expanded roles and responsibilities

WETA staff distributed the draft RFQ to the City of Vallejo and the City of Alameda staff for comments and will continue coordination with them throughout the consultant selection process.

Fiscal Impact

Funding for these marketing consultant services is included in the FY 2009/2010 budget.

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Keith Stahnke, Manager, Operations

SUBJECT: Approve Pier 9 Marginal Wharf License to Use Property Agreement with the San Francisco Port Commission

Recommendation

Approve License to Use Property agreement with the San Francisco Port Commission for the Pier 9 Marginal Wharf area and authorize the Executive Director to execute this agreement.

Background

In October 2007, the WTA Board of Directors authorized an application of Regional Measure 2 (RM2) program funds for a Pier 9 Layover Ferry Berthing Facility. As planned, this facility will consist of 2 mooring floats with access gangways and ramps. In June 2008, the WETA Board adopted a Final Mitigated Negative Declaration and filed a Notice of Determination for the project, as provided in Section 15075 of the State CEQA guidelines. Over the past year, staff has worked to secure the required project permits along with the Port of San Francisco as the legal owner of the Pier 9 property, and to finalize project design. As a condition to obtain the required Bay Conservation and Development Commission (BCDC) permit to implement this project, maximum feasible public access must be provided to the project area.

Discussion

BCDC approval of the vessel berthing facilities at Pier 9 requires public access improvements on-site or as close to the project as possible. Through discussion with BCDC and Port staff, it was determined that public access would not be feasible on-site due to general access restrictions to the project area. As a result, WETA has been required by BCDC to identify an alternative site for public access improvements in order to receive project permit approvals. Through extensive discussions with BCDC and Port of San Francisco staff (property owner, and project co-applicant), a location along the marginal wharf near Pier 9 was identified for WETA to utilize to provide the required public access improvement. BCDC has agreed that this site, with improvements, provides sufficient public access to meet its permitting requirements. On June 9, 2009, BCDC issued a permit to WETA for the Pier 9 Layover Ferry Berthing Facility project, with a special condition that no work authorized by the permit can begin until an agreement for the new public access area is executed by WETA and the Port of San Francisco and submitted to BCDC.

The required improvements to the new public access area include the following:

- New striping on the pavement defining the access area;
- Installation of six steel bollards to prevent vehicular parking in this area;
- Installation of two benches for public use in enjoying the view of the Bay; and
- Installation of one trash container.

These improvements will be installed during the construction phase of the vessel berthing facility.

Fiscal Impact

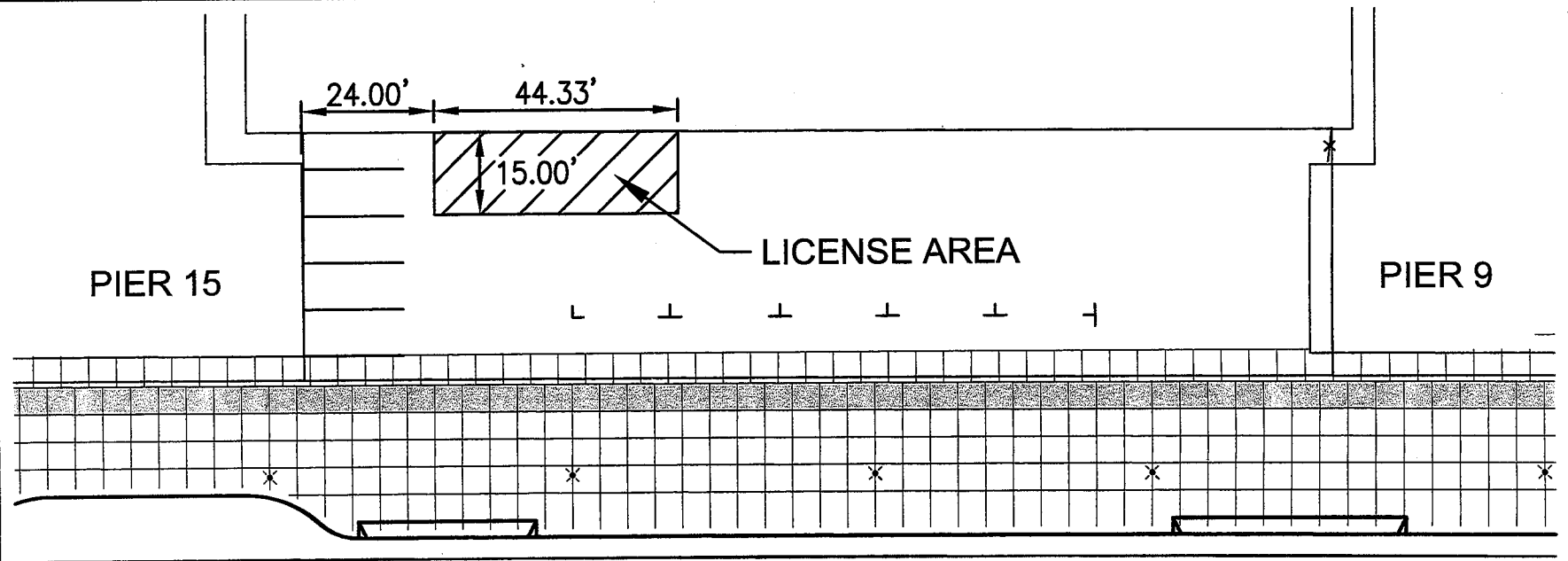
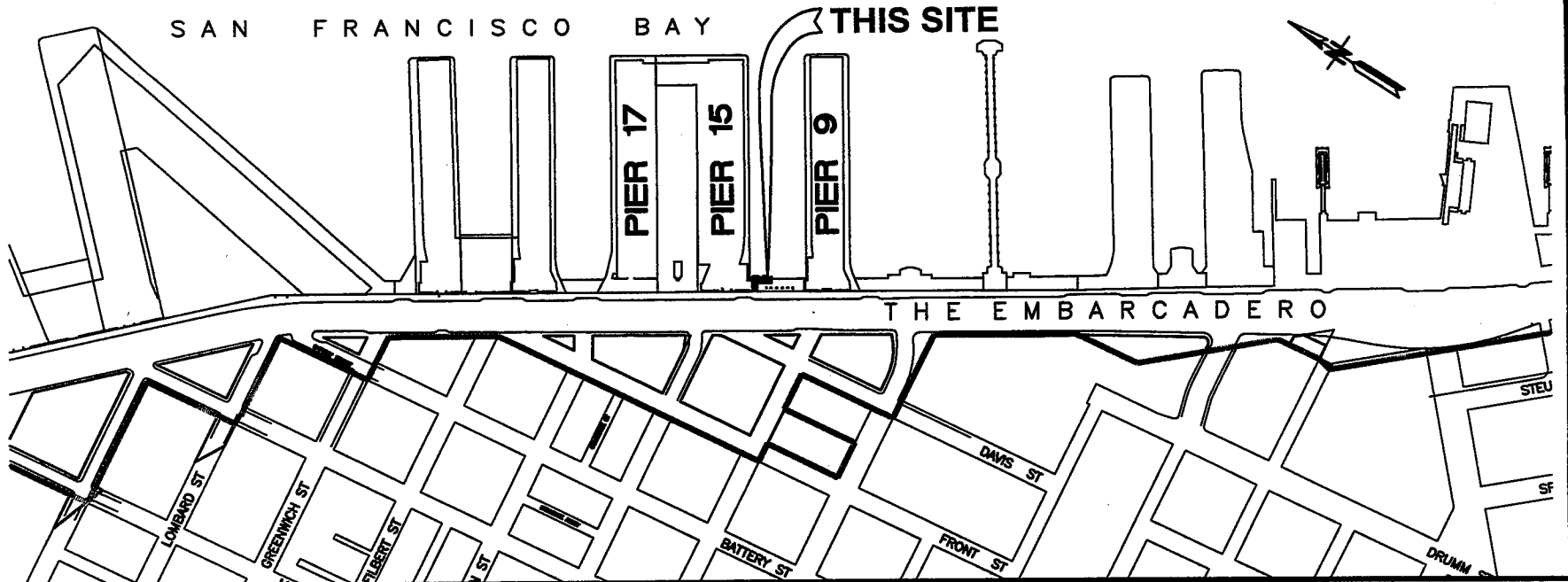
There is no direct financial impact associated with approving this License to Use Property as the Port of San Francisco waived all fees associated with this agreement. Purchase and installation of the required public access improvements will cost approximately \$15,000, and will be funded as a part of the lay berth project.

INITIALS: PORT: _____

LICENSEE: _____

DATE: _____

EXHIBIT A



LICENSE NO.
14731



SAN FRANCISCO PORT COMMISSION
PORT OF SAN FRANCISCO
DEPARTMENT OF ENGINEERING

**PIER 9 MARGINAL WHARF
WETA LICENSE**

DRAWN BY: ECC, AMN	DATE: JUNE 18, 2009
CHECKED BY: J. SOBOL	SCALE: AS SHOWN
PLACE CODE NO.	SHEET NO. 1
1950-00	OF 1 SHEETS