



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, October 1, 2009 at 1:00 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.

- | | |
|--|--------------------|
| 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
October 1, 2009 Meeting of the Board of Directors

- | | |
|--|--|
| 6. <u>CONSENT CALENDAR</u>
a. Minutes of September 3, 2009
b. Minutes of September 17, 2009 | Action |
| 7. <u>STATUS REPORT ON THE BERKELEY FERRY TERMINAL</u> | Information |
| 8. <u>APPROVE AWARD TO THE M-LINE FOR WETA MARKETING SERVICES</u> | Resolution |
| 9. <u>APPROVE VESSEL UTILIZATION PLAN AND AGREEMENTS</u> | Resolution |
| 10. <u>APPROVE CHANGE ORDER FOR SOUTH SAN FRANCISCO VESSEL CONTRACT</u> | Resolution |
| 11. <u>RECESS INTO CLOSED SESSION</u> | |
| a. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
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 | Action
To Be Determined |
| b. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
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 | Action
To Be Determined |
| c. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
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 | Action
To Be Determined |
| d. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
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 |

Water Emergency Transportation Authority
October 1, 2009 Meeting of the Board of Directors

12. 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***

13. 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: October 1, 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 and the attorneys continue to meet and work with staff from the City of Alameda, Port of Oakland and others on transition details.

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.

The final draft of the Emergency Operations Plan, the internal document guiding staff on the activation of the Emergency Operations Center (EOC), was completed in mid September. WETA staff participated in the first training session on activating the EOC on September 16, 2009. WETA is gearing up to participate in a regional transportation table top exercise on October 13, simulating a major disaster requiring a regional response from various transportation and related agencies.

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.

As reported at the September Board meeting, Gemini passed the Selective Catalytic Reduction (SCR) emissions testing with emissions 90-95% better than Tier II EPA standards.

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 November 2009 and early 2010. On the terminal side, the Board of Directors awarded the dredging and demolition contract to Salt River Construction at the special Board of Directors Meeting held on September 17, 2009. The initial lease payment for the terminal site was paid to the Department of Boating and Waterways on September 10, 2009. On September 11, 2009, WETA secured a waiver from the San Mateo County Transportation Authority (SMCTA) to permit Salt River to procure all commercially available insurance coverages to meet the aggregate coverage requirements required by SMCTA and included in the IFB. In accordance with the IFB requirements and such waiver, Salt River signed the contract, secured all the necessary bonds, insurance certificates, and submitted the schedule of values. A notice to proceed with pre-dredge surveys was issued on September 23, 2009. It is expected that all dredging and demolition work will be completed by November 30, 2009.

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. On September 14, Berkeley City Councilmembers Darryl Moore and Laurie Capitelli convened a meeting with the councilmembers, WETA staff and consultants and the Chair and other representatives of the City's Waterfront Commission to discuss WETA's latest design for accommodating the ferry patron parking as well as the improvements to the Bay Trail. We believe consensus was reached that the proposed plan largely addresses the Commissioner's concerns. Follow up meetings are planned with Berkeley's full Waterfront, Transportation and Planning Commissions in advance of a November 17 Berkeley City Council meeting.

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. Consultants are currently finishing up the conceptual design, which will be completed this Fall.

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. Staff expects to present this MOU to the WETA Board in November and to then proceed with the selection processes for environmental and design consulting teams.

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.

At the August Board Meeting, the Board of Directors approved the license to use property agreement which detailed the WETA's requirements regarding the purchase and installation of public access improvements, which will be completed in conjunction with this project. Staff is currently preparing an RFP for this project, per the Board's authorization given in November 2008.

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 released the Request for Qualifications on August 24 and a pre-bid conference was held on September 15, 2009. Staff will be holding selections interviews in mid October and expects to bring a recommendation of a design firm to the Board at the November Board meeting.

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. The City of Hercules advised WETA that it has decided 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 City will continue to work with WETA as we complete the ferry terminal portion of the EIR/EIS.

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 September 4, Shirley Douglas and John Sindzinski met with representatives of UC Berkeley planning department to discuss the Berkeley ferry service.

On September 8, Shirley Douglas attended a meeting of the Bay Area Outreach Committee, which includes the DBE Program Administrators for the majority of the Bay Area transportation agencies

Nina Rannells attended the Bay Area Council's new joint Transportation/Landuse Committee meeting on September 10.

On September 10, WTS hosted a reception at the San Francisco Ferry Building in honor of Nina Rannells as a new female transit Executive Director in the Bay Area.

On September 10 Shirley Douglas participated in Vallejo Baylink's Passenger Appreciation Day.

On September 10, Keith Stahnke attended the monthly steering committee meeting for the regional transportation response plan at MTC.

On September 11, Lynne Yu attended an exit conference with auditors from Capriccio & Larson, the CPA firm under contract with MTC to perform the FY2008/09 RM2 Operating and Capital Program audits. There were no significant findings in either of WETA's Capital or Operating programs associated with RM2 funds.

On September 14, Shirley Douglas attended a meeting of the Berkeley Chamber of Commerce, Transportation Committee. The topic was how the Chamber can work to promote smart growth in Berkeley.

Nina Rannells attended the Port of San Francisco's Advisory Committee meeting on September 17.

Keith Stahnke attended the Western Passenger Vessel Association annual conference September 23-25.

Nina Rannells gave a presentation on WETA's new environmentally friendly ferries at the annual Fast Ferry Information conference in London on September 23 & 24.

On September 24, Shirley Douglas gave a presentation to the Breakfast of Champions, a networking organization for consulting and construction firms working in the Bay Area.

OTHER ACTIVITIES / ITEMS

Scorpio Launch & Sea Trials - WETA's third vessel, Scorpio, will be launched on October 6, 2009 in Washington. Keith Stahnke will be attending Scorpio's Performance and Sea Trials which will be held during the third week of October.

SSF Groundbreaking Celebration - A groundbreaking celebration to commemorate the start of construction of the South San Francisco Ferry terminal will be held on Monday, October 19 at 10:30 am at the Oyster Point marina in South San Francisco.

Congresswoman Jackie Speier is scheduled to attend, to make remarks and participate in the "ceremonial shovel in the ground" activities. Others to be invited include Mayors and city council members from the cities of South San Francisco and Redwood City; state legislators; board members of the San Mateo County Transportation Authority, Metropolitan Transportation Commission and the San Mateo County Harbor Commission; representatives from the San Mateo County Building Trades, MMP and IBU; representatives from the California Emergency Management Agency, local employers such as Genentech, and WETA's San Mateo County Transit Advocates Group, which includes elected officials, employers, business organization, and union representatives organized to promote ferry service in San Mateo County.

Proposition 1B Funds – On September 10, 2009, WETA received notice from CalEMA indicating that the Treasurer's Office has approved the amended loans and that projects approved under the FY2007/08 and FY2008/09 Prop 1B program can be moved forward. CalEMA has also advised staff that reimbursement should be received in approximately 8 weeks. Staff will closely monitor this payment term.

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 both the Assembly and Senate floors and was sent to the Governor for his signature on August 31, 2009.

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 has provided DIR with all requested information in order to complete this analysis and will bring this subject back to the Board for discussion once their work is completed.

ADMINISTRATION

Recruitment activities to fill the new planner position, authorized through the FY 2009/10 budget, are currently underway and should be completed in early October.

August Financial Statements - Attached are the monthly financial statements for August 2009, 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
August 2009**

% of Year
Elapsed
17%

	Current Month	Prior Year Actual	FY 2009/10 Budget	FY 2009/10 Actual	% of Budget
Operating Revenues					
Operating Assistance					
RM 2 Planning	260,726	3,656,290	4,500,000	416,042	9.2%
SUASI	-	173,802	-	-	0.0%
Total Operating Assistance	260,726	3,830,092	4,500,000	416,042	9.2%
Other Revenues					
Interest Income	0	34,643	30,000	1	0.0%
Other	1,000	51,500	-	1,000	0.0%
Total Other Revenues	1,000	86,143	30,000	1,001	3.3%
Total Operating Revenues	261,727	3,916,235	4,530,000	417,043	9.2%
Total Capital Revenues	1,000,388	17,675,940	35,816,070	1,010,274	2.8%
Total Revenues	1,262,114	21,592,175	40,346,070	1,427,317	3.5%
Operating Expenses					
Operations					
Wages and Fringe Benefits	104,077	1,294,230	1,590,000	214,903	13.5%
Services	103,764	2,164,056	2,370,000	120,160	5.1%
Materials and Supplies	505	29,045	92,500	610	0.7%
Utilities	275	12,847	17,000	678	4.0%
Insurance	28,216	30,352	35,000	28,216	80.6%
Miscellaneous	1,308	41,170	95,500	6,334	6.6%
Leases and Rentals	22,581	295,942	300,000	45,142	15.0%
Total Operations	260,726	3,867,643	4,500,000	416,042	9.2%
Total Operating Expenses	260,726	3,867,643	4,500,000	416,042	9.2%
Total Capital Expenses	1,000,388	17,675,940	35,816,070	1,010,274	2.8%
Total Expenses	1,261,114	21,543,583	40,316,070	1,426,316	3.5%
Excess Revenues (Loss)	1,000	48,592	30,000	1,001	

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

Project Description	Current Month	Project Budget	Prior Year Actual	2009/10 Budget*	2009/10 Actual	Future Year	% of Project
Expenses							
2 Spare Vessels	2,501	17,000,000	16,758,493	241,507	2,501	-	99%
SSF Vessels	966,434	20,500,000	11,441,898	7,000,000	966,434	2,058,102	61%
SSF Terminal Design	22,572	3,000,000	2,794,926	205,074	22,572	-	94%
SSF Mitigation Study	-	275,000	35,581	100,000	-	139,419	13%
SSF Terminal Construction	-	26,000,000		15,000,000	-	11,000,000	0%
Berkeley Environ/Conceptual Design	6,983	1,782,700	1,490,239	292,461	6,983	-	84%
Berkeley Terminal Design	-	3,200,000		1,500,000	-	1,700,000	0%
Hercules Environ/Conceptual Design	1,899	1,080,000	908,016	171,984	11,785	-	85%
Pier 9 Mooring/Floats	-	2,750,000	237,562	2,512,438	-	-	9%
Environmental Studies/Conceptual Design	-	3,000,000	56,000	1,500,000	-	1,444,000	2%
Central Bay Ops/Maintenance Facility	-	2,600,000	7,394	2,592,606	-	-	0%
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%
Total Capital Expenses	1,000,388	88,687,700	33,730,110	35,816,070	1,010,274	19,141,520	
Revenues							
RM 2	1,000,388	37,887,699	30,960,852	5,996,429	1,010,274	930,418	84%
San Mateo Sales Tax	-	15,000,000	-	8,653,950		6,346,050	0%
Federal	-	9,480,002	2,705,864	4,174,100		2,600,038	29%
Proposition 1B	-	26,319,999	63,395	16,991,590		9,265,014	0%
Total Capital Revenues	1,000,388	88,687,700	33,730,110	35,816,070	1,010,274	19,141,520	

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(September 3, 2009)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA offices at Pier 9, Suite 111, San Francisco, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:18 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 that Agenda Item 7 would be pulled and brought before the Board at a future meeting.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells updated the board on the status of funding for the initial South San Francisco terminal lease payment. She noted that WETA continued to work with CalEMA staff who had indicated payment would likely be made in the next two weeks. She added that she continued to be hopeful that the funding would be received in time to make the initial lease payment before the window for construction season closed.

Director Johnson asked at what point the missing payment would cause the project to be delayed. Ms. Rannells noted that the payment had to be made before WETA could access the site to begin dredging so it would need to happen soon. Chair Johnson expressed concern over the responsiveness of CalEMA regarding the project and suggested that a special meeting be called if action would be required by the board. Director Johnson added that a special meeting should be called as early as next week if necessary. Ms. Rannells noted that WETA staff was in touch regularly regarding payment status and that due to the state's current fiscal crisis, this situation was likely to be a typical scenario for other agencies as well. She noted that CalEMA staff had been helpful and that at this point the holdup appeared to be getting the check cut by the State Controller's Office.

Ms. Rannells also noted the passage of AB1203, which was now on the Governor's desk awaiting signature, adding that the bill would allow for funds to be paid directly to WETA rather than on a reimbursement basis.

Before turning the floor over to Operations Manager Keith Stahnke regarding the Labor Day weekend Bay Bridge closure, Ms. Rannells noted the Community Relations Manager Shirley Douglas' retirement party would be held at the WETA offices following the October 1 Board meeting.

Mr. Stahnke reported on the Bay Bridge closure, noting that MTC and 511 had been leading the outreach efforts to alert drivers to the closure. He stated that ferry operators were individually

assessing the need for additional services and that he would be working directly with NextBus to coordinate any required schedule updates for NextBus signs. He noted that the ongoing threats of a BART strike had been helpful in preparing operators for a similar scenario.

Chair Johnson asked if the WETA vessels would see additional use. Mr. Stahnke said that would be up to the operators but that would likely continue to service their current runs.

Director Johnson suggested that regarding the Berkeley terminal, a deadline should be set for support from the city so that WETA may reallocate its resources to other sites if necessary.

Vice Chair Intintoli asked for an update on the current status of the environmental assessments for the four potential North Bay terminal sites. He noted that WETA's five-year plan did not provide for operation funding of these services and was concerned that the environmental work may need to be done twice, in the event that services are not implemented within a few years of completion of the studies..

Ms. Rannells confirmed that they are included in the plan for study only and there is no budget for construction at those sites at this time. She noted that all four cities remained interested in the project and they remained in the plan as potential sites for continued study. She added that the studies for all four sites were put on hold when Prop 1B funding was halted and that WETA may need to carefully consider how to move forward with these assessments once it is confirmed that funds have been reinstated.

Ms. Rannells also noted that as the Hercules study was not funded by Prop 1B, it has continued to move forward. Manager of Planning and Development John Sindzinski stated that the city was eager to have the environmental study completed so that it would not lose funding for its Capital Corridor project, so the adjacent Capital Corridor station has been separated from the overall EIR currently underway.

Chair Johnson asked Hercules would provide any funding for service. Ms. Rannells said that there would be partial funding from the Contra Costa Measure J sales tax. Mr. Sindzinski pointed out that the Federal Transit Administration has indicated that it would not certify the environmental documents unless it could be demonstrated that the service operation was financially viable with documented funding sources. He added that the scenarios for each of the four North Bay sites were different.

Public Comment:

Chad Smalley of the Richmond Redevelopment Agency said that Measure J would subsidize both Hercules and Richmond operations, and in the case of Richmond, some capital funding as well. He added that the environmental assessment provides additional basis for funding support for the project. Nina Rannells confirmed that ideally project development work would continue in tandem with funding efforts.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots asked if there was language in RM2 regarding Berkeley. Mr. Sindzinski said that the site being "in title" by 2010 was a requirement. Ms Rannells said that it included \$12 million in capital funds. Director Johnson asked if that funding would become available for Richmond if not used in Berkeley. Mr. Sindzinski said that it could be looked at but that he expected that WETA would know very soon where the Berkeley Council stood on the project and that staff would be reviewing parking proposals and conceptual plans to the Waterfront Commission on the 15th. He said that he was hopeful that city support would be solidified and the final EIR completed by the end of the year.

5. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the August 6, 2009 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

6. PRESENTATION OF SIX MONTH EMISSIONS TESTING RESULTS FOR GEMINI

Ms. Rannells introduced Mr. Stahnke who presented a PowerPoint presentation on Gemini's successful emissions test, noting that emissions were currently 90 to 95% better than Tier II requirements.

Director Bellows asked at what point in the future the results would decline to 85%. Mr. Stahnke said that that would be assessed in scheduled maintenance and that he would verify. Chair Johnson asked if overhauling the engines in the future would be expensive. Mr. Stahnke replied that the expense would be considerable, and added that the costs of urea required to reduce emissions added an operating cost to the vessels.

7. INFORMATIONAL PRESENTATION BY ADVENTURE CAT SAILING CHARTERS & APPROVAL OF LETTER OF INTEREST

Ms. Rannells noted that at its February 5 meeting, the Board had indicated an interest in having a presentation regarding Adventure Cat's ZOE ferry design. She noted that the requested letter of support that was the subject of the recommended Board action would be an expression of interest only and clarified that Adventure Cat would not compete in any way for Federal Ferryboat Discretionary Funding. Ms. Rannells then introduced Jay Gardener of Adventure Cat, who gave a PowerPoint presentation on his "Zero Onboard Emissions" ferry design to take advantage of the wind power available in the bay. He concluded by thanking the Board for their interest.

Director Bellows asked for an economic assessment of the design. Mr. Gardener said it would depend on the route but that the savings would recoup the cost of the boat within five to ten years. Mr. Stahnke noted that the design was a substantial leap in technology and much could be learned from it.

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

8. Public Comment

Bruce Locky, Berkeley resident, congratulated WETA on its "Ferry Fast Forward" publication and suggested there should be one in every home in the Bay Area. He also urged WETA to take advantage of the Bay Bridge closure to publicize ferry service and handed out a sample press release he had composed.

9. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:15 p.m. Upon reopening of the meeting at 2:45 p.m. she reported that no action had been taken.

10. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:45 p.m.

Respectfully Submitted,

Board Secretary

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(September 17, 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 1:30 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Beverly Johnson, and Director O'Rourke. Director Intintoli led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

None.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells reported that WETA continued to work on solidifying support in Berkeley and completing the Berkeley terminal EIR. She noted that staff continued to meet with individual councilmember's and members of the Waterfront Commission, and that the Berkeley City Council would likely consider taking action to formally support the ferry terminal and service in November.

Director Johnson stated that WETA should clarify exactly what steps would be required in the process and create a checklist, and that it was important to know what the city would need to do to keep the project moving forward. Chair Johnson agreed. Ms. Rannells said that staff would bring forward an update on the Berkeley environmental document in October, and would develop such a list of actions. Manager of Planning and Development John Sindzinski added that he would be meeting with Berkeley staff next week to clarify these items.

Chair Johnson asked if progress was being made with opponents of the project. Ms. Rannells said that a concept to mitigate parking concerns had been put forward that appeared to address issues identified by various stakeholders.

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

Mr. Sindzinski presented this item regarding approval 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. He reviewed that background of the project and the bidding process for the work.

Chair Johnson asked if Salt River Construction's license status had been confirmed and if insurance and bond issues had been taken care of. Mr. Sindzinski said that all requirements had been satisfied and references checked. He invited Bill Davis of Ghirardelli Associates, Inc., construction manager for the South San Francisco terminal project, to expand. Mr. Davis indicated that all qualifications that were required in order for Salt River Construction to be considered a responsive bidder had been met, and that references had been contacted and were favorable.

Director O'Rourke asked Mr. Davis if he had called references listed in a letter from International Union of Operating Engineers No. 3 dated August 6. Mr. Davis referred to his letter of findings in response to those issues dated September 11, stating that the references he checked had been sufficient to meet the responsive bidder requirements, and that in checking with the state regarding licensing that none of the incidents referenced in the letter had resulted in any action or disbarment of the firm by any regulatory agency, and that as a result he did not feel additional investigation was warranted.

Public Comment:

Chris Snyder of International Union of Operating Engineers No. 3 stated that Salt River Construction and its representatives lie.

Director O'Rourke noted that it was difficult to get the state to take action on these issues and asked Mr. Davis again if he did not feel calls to potentially unfavorable references were warranted as a result of the allegations in the IUOE letter. Mr. Davis repeated that as the qualifications of responsive bidder had been met that he did not.

Public Comment:

Mr. Snyder read a list of allegations of labor violations from the August 6 letter.

Ms. Rannells noted that as a federally funded contract, WETA would regularly review payroll records for prevailing wage violations. Director O'Rourke said that there should be an individual monitoring the work site at all times. Mr. Davis said that there would be an inspector on site issuing daily reports.

Regarding Mr. O'Rourke's comment, Vice Chair Intintoli noted that all companies that have done business for any length of time will occasionally have such issues, and said that the issue at hand was if the company met the requirements to be the lowest responsible bidder or not.

Public Comment:

Marina Secchitano of IBU asked what the other bids had been.

Mr. Sindzinski said that the other firms were Dutra and AIS. Chair Johnson noted that there was a \$1 million difference between the high and low bidder. Ms. Secchitano expressed concerns about Salt River and their treatment of workers.

Public Comment:

Zachary Cohn of Salt River Construction stated that they maintain certified payroll records and that many other firms had payroll violations that exceeded theirs. He said that Salt River was in full compliance with payroll regulations and that there appeared to be a smear campaign against them.

Director O'Rourke asked WETA Counsel Stanley Taylor III of Nossaman LLP if considering what is now in the public record the contract should still be issued to Salt River. Mr. Taylor stated that there had been an insurance concern but that the certificate had now been obtained. Director O'Rourke

asked if there had not been a specific deadline by which the certificate was to have been received. Mr. Taylor said that all submission requirements had been met.

Vice Chair Intintoli made a motion to approve the item. Director Johnson seconded the motion and the item passed with a vote of 3 to 1. Director O'Rourke voted nay.

6. PUBLIC COMMENT

James McVaney, Berkeley Marina resident, suggested that WETA consider funding a portion of the Bay Trail through the Berkeley Marina to help mitigate the parking issue. He noted that there were three segments of the trail through the marina which needed to be completed.

Director Johnson noted that Berkeley had just received substantial funding for the Bay Trail. Mr. McVaney said this was for one of the outstanding segments, and that Berkeley Parks and Recreation has called this a priority project. Chair Johnson how much it would cost. Mr. McVaney said he believed one segment was \$1 million and the other two approximately \$500,000 each. Mr. Sindzinski noted that funding was not even in place for the terminal yet and that it was four to five years away.

7. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:03 p.m. Upon reopening of the meeting at 2:35 p.m. she reported that no action had been taken.

8. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:35 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

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

SUBJECT: Approve Award to The M-Line for WETA Marketing Services

Recommendation

Approve award of a consultant services contract to The M-Line for WETA marketing services and authorize the Executive Director to negotiate and execute a contract for these services in an amount not to exceed \$ 70,000. This scope of work would include preparation of a multiyear Marketing Plan to assist WETA in implementing a creative and comprehensive system identity or branding strategy and to guide WETA's investments in marketing resources.

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 multi-year 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 include 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 this year on a variety of marketing activities including developing a Draft Vallejo Baylink Ferry and Line 200 Marketing Plan, aimed at increasing ridership on the Vallejo Baylink ferry and complementary bus line, and development of the Vallejo Baylink Rider Appreciation Day on September 10.

Discussion

On August 6, 2009, the Board authorized staff to issue 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 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 execution 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

In August, 2009, staff issued an RFQ for this work to over 200 firms on WETA's non-technical professional services consultant list, and to about 30 marketing and public relations firms included on Caltrans' Unified Certification Database for Disadvantaged Business Enterprises (DBE) firms through e-mail. WETA further solicited interest through notices on WETA's website consistent with the agency's Administrative Code.

WETA received twelve Statement of Qualifications (SOQs) in response to the RFQ. The SOQs were reviewed by an evaluation panel that included WETA staff and representatives from the Port of San Francisco and the City of Alameda. The review panel requested five of the proposing firms to provide additional information regarding their qualifications and proposals through oral interviews. These firms included Barnes, Mosher, Whitehurst and Lauter & Partners (BMW), Circle Point, Dyer Stephenson/Piasente Communications, The M-Line and The Wessling Group. Interviews were held on September 11, 2009.

Selection criteria for the contract award as established within the RFQ included the following:

Project Understanding & Proposed Approach: Demonstration of a clear understanding of the project work as expressed in the written proposals and oral interviews and the Consultant's proposed approach for completing the project tasks;

Project Schedule: Demonstration of an understanding and ability to meet key milestone schedule dates, decision points, and deliverable dates;

Team Qualifications – Project Manager and team experience on relevant public sector projects; and

References – Satisfaction of previous clients with regard to project delivery, timeliness, and budgets.

Based upon the information submitted and the supplemental interviews, the review panel recommends awarding a contract to The M-Line to undertake this work.

The M-Line has developed branding and marketing strategies for numerous public sector clients over their 25+ years in the industry, including Marketing Plan development for San Francisco International Airport and brand development for the Port of San Francisco. The M-Line's team includes Brian, Mosher, Whitehurst, Lauter & Partners (BMW) as a subconsultant. BMW will

assist with development of strategic communication strategies for targeted stakeholder engagement and advocacy efforts.

These marketing plan services are expected to be completed in early 2010 in order to coincide with the consolidation of Alameda-Oakland and Alameda Harbor Bay ferry services under WETA. Staff plans to present preliminary information, such as a Brand Foundation document, to the Board prior to finalizing the Marketing Plan. The marketing services will be implemented through task orders issued by WETA for each major task identified above. Actual expenditures will be based upon these task orders, which establish budget limits and work requirements.

Financial Implications

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

END

MEMORANDUM

TO: Board Members

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

SUBJECT: Approve Vessel Utilization Plan and Agreements

Recommendation

Approve by resolution the Spare Vessel Utilization Plan and authorize the Executive Director to execute associated bareboat charter and funding agreements.

Background

In October 2008, the Board approved a spare vessel utilization plan and associated agreements that prioritized placing WETA's first two vessels (*Gemini* and *Pisces*) into service via bareboat charter with the City of Alameda. This plan was developed as the result of outreach to determine the public transit needs and options for utilization of these vessels and resulted in placement of WETA's regional spare vessels into service as follows:

Spare Vessel Utilization

Service	Operator	Vessel
Harbor Bay	Harbor Bay Maritime	Pisces
Alameda/Oakland	Blue and Gold	Gemini

As a part of implementing this plan, WETA has facilitated the planning and/or implementation of a series of float, ramp and channel access improvements to the Alameda and Oakland facilities to allow WETA vessels to operate on the City of Alameda's ferry routes. This has resulted in improvements to the facilities that are beneficial to the existing services as well as the expansion of emergency response capacity.

Overall, the bareboat charter arrangement has worked well as it has allowed WETA the ability to run and test the vessels out during the first-year warranty period and has provided the City of Alameda and the public the benefit of the use of these new vessels.

Discussion

Construction is currently underway on WETA's third and fourth vessels, which will ultimately be used to support WETA's regional system including the South San Francisco services. The first of these two vessels, *Scorpio*, is scheduled for launch in October, to be followed by sea trials and delivery in early November.

In considering the options for utilization of the vessel *Scorpio*, staff has determined that there is a need on an east bay ferry route that *Scorpio* can help to fill. With the up-coming main engine replacement project for the *Bay Breeze*, currently utilized in the Harbor Bay service, the service could benefit from the utilization of an additional WETA vessel as a back-up. Considering vessel capacity and service demand, WETA and Alameda staffs have determined that the best configuration for the WETA vessels in east bay ferry services are as follows:

Vessel Utilization Plan

Service	Operator	Vessel
Harbor Bay	Harbor Bay Maritime	Gemini and Pisces
Alameda/Oakland	Blue and Gold	Scorpio

This plan shifts the *Gemini* from Alameda/Oakland to Harbor Bay service, and places the *Scorpio* into Alameda/Oakland ferry service. Placing *Scorpio*, which offers capacity for an additional 50 passengers, into the Alameda/Oakland service best aligns the additional capacity that the *Scorpio* provides with passenger demand.

Similar to the existing bareboat charter arrangement with the City of Alameda for *Pisces* and *Gemini*, WETA would utilize Regional Measure 2 operating funds to support the incremental cost of adding *Scorpio* to the fleet, estimated at up to \$200,000 in FY 2009/10. This includes such items as insurance coverage for the vessel, incremental mooring costs and other operating expenses associated with adding a third vessel to WETA's fleet.

Financial Implications

A total of \$750,000 is included in the FY 2009/10 budget to support the WETA vessel fleet costs including remaining mooring and channel operational improvements and the incremental cost of mooring and operating vessels in service. Funds to cover these expenses are included in the FY 2009/10 budget and are covered with an allocation of RM2 funds from MTC.

End

MEMORANDUM

TO: Board Members

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

SUBJECT: Approve Change Order for South San Francisco Vessel Contract

Recommendation

Approve Change Order Number B1 to the agreement with Kvichak Marine Industries in the amount of \$300,000 for the construction of two South San Francisco vessels.

Discussion

On October 25, 2007, the San Francisco Bay Area Water Transit Authority (WTA) awarded a contract to Kvichak Marine Industries to construct two 199-passenger high speed catamaran vessels for use in the planned new South San Francisco ferry service. The authorized contract award was for a total of \$18,700,000, including a \$300,000 contract contingency. This contract was transferred to WETA, per the requirements of SB 976, when WETA was c on January 1, 2008.

During the course of vessel construction, a number of contract change orders have been instituted to bring the vessels into conformity with the final Spare Vessel design and construction. The value of all change orders to date is \$210,361.00. The majority of the contract change orders promote safety, operational efficiencies and passenger convenience.

With the Scorpio scheduled for delivery in early November 2009 and Taurus expected in April of 2010, staff does not anticipate further significant change orders or modifications to the vessels. While the current contract contingency of \$300,000 covers the cost of the change orders to date, staff is requesting approval of additional contract authority in the amount of \$300,000 to cover a few outstanding needs including:

- \$170,000 to cover the unanticipated 1% increase in the California State sales and use tax rate, effective April 1, 2009;
- \$90,000 to cover vessel delivery, which was not included in the original vessel contract award, and;
- \$40,000 in additional contract contingency funds to allow for any additional, necessary changes that may come up during the final phases of construction.

This additional contract authority brings the total contract contingency to \$600,000. While this request doubles the current contingency amount, \$600,000 represents only 3.2% of the total budget which is still well below the industry standard of establishing contingencies equivalent to 5% to 10% of the total project construction cost.

One final project component that is not currently factored into the contract authorization to date is spare parts. Staff is in the process of compiling a list of recommended spare parts for purchase as a part of this vessel construction and will bring a recommended package and contract authorization forward to the board for discussion and authorization at a future meeting.

Financial Implications

This change order falls within the overall project budget and sufficient grant funds are available to support the additional cost.

End