



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, January 8, 2009, 1:00 P.M. to 4:00 P.M.
Berkeley City Council Chambers
2134 Martin Luther King, Jr. Way, Berkeley

NOTE: LOCATION CHANGE

A supplemental materials 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. **CALL TO ORDER – BOARD CHAIR** ***Information***
2. **ROLL CALL/PLEDGE OF ALLEGIANCE** ***Information***
3. **REPORT OF BOARD CHAIR** ***Information***
4. **REPORTS OF DIRECTORS** ***Information***
5. **REPORTS OF STAFF** ***Information***
 - a. Executive Director's Report
 - b. WETA Board of Directors 2009 Meetings

**Water Emergency Transportation Authority
January 8, 2009 Meeting of the Board of Directors**

6. CONSENT CALENDAR **Action**
a. Minutes of December 4, 2008
7. ALBANY/BERKELEY ALTERNATIVE FERRY TERMINAL
LOCATION STUDY AND RECOMMENDED SITE FOR THE
LOCALLY PREFERRED ALTERNATIVE **Action**
8. 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: Jon Stanley, Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: San Mateo County Harbor District
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**
9. REPORT OF ACTIVITY IN CLOSED SESSION **Action**
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. **To Be Determined**
10. 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.



WETA Board of Directors 2009 Meeting Schedule

The WETA Board of Directors meets on the first Thursday of each month at 1:00 p.m. in the Board Room, WETA, Pier 9, Suite 111, San Francisco, CA unless otherwise noted.

This schedule is subject to change. Please consult the WETA website at www.watertransit.org for the latest meeting information.

DATE:	TIME:	LOCATION ADDRESS:
Thursday, January 8 th	1:00 – 4:00 p.m.	2134 Martin Luther King, Jr. Wy, Berkeley
Thursday, February 5 th	1:00 – 4:00 p.m.	WETA
<u>Thursday, February 19th</u>	<u>1:00 – 4:00 p.m.</u>	<u>50 California, 26th Floor, San Francisco</u>
Thursday, March 5 th	1:00 – 4:00 p.m.	WETA
Thursday, April 2 nd	1:00 – 4:00 p.m.	WETA
Thursday, May 7 th	1:00 – 4:00 p.m.	WETA
Thursday, June 4 th	1:00 – 4:00 p.m.	WETA
Thursday, July 2 nd	1:00 – 4:00 p.m.	WETA
Thursday, August 6 th	1:00 – 4:00 p.m.	WETA
Thursday, September 3 rd	1:00 – 4:00 p.m.	WETA
Thursday, October 1 st	1:00 – 4:00 p.m.	WETA
Thursday, November 5 th	1:00 – 4:00 p.m.	WETA
Thursday, December 3 rd	1:00 – 4:00 p.m.	WETA

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(December 4, 2008)

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

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:10 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows and Director John O'Rourke. Director Intintoli led the Pledge of Allegiance. Director Beverly Johnson arrived at 1:30 p.m.

2. REPORT OF BOARD CHAIR

Chair Johnson reported that the City of Vallejo had authorized dismissal of their suit against WETA. She also noted that the South San Francisco terminal lease was nearing completion with only a few minor issues left to resolve. Lastly, she reported on the successful November 8th trip by WETA board and staff to the boatyard in Seattle. Vice Chair Intintoli and Director Bellows added that they participated in this trip as well.

3. REPORT OF DIRECTORS

Director Johnson noted the recent article about *Gemini* in the San Francisco Chronicle by Carl Nolte and that both she and her mother were excited to see the boat. Director Bellows added that on the visit to Seattle he was pleased by how smoothly *Gemini* rides, and added that he was impressed by seeing the progress of *Pisces* which was also under construction at the boatyard.

4. REPORTS OF STAFF

Executive Director Jon Stanley reported on the arrival of *Gemini* on November 25th. He noted that three WETA staffers were onboard for *Gemini's* arrival in the bay and that Manager of Marine Engineering Mary Culnane was currently at Bay Ship & Yacht shipyard supervising the resolution of the final punch list items before formally accepting the boat.

Mr. Stanley added that a bareboat charter agreement with the Oakland/Alameda service had been executed and that *Gemini* would begin service in January on that route, following receipt of a COI from the US Coast Guard and training of the operating crews.

Mr. Stanley also reported that a public hearing had been held in Berkeley on the EIR/EIS on November 18th to solicit comments on the Draft EIR/EIS and that this would be discussed later in the meeting by Manager of Planning and Development John Sindzinski.

Regarding progress on the Transition Plan, Mr. Stanley noted that staff had continued with working group meetings in Vallejo and Alameda during November and that the next core team meeting was scheduled for the upcoming week. He added that the goal remained to have a draft plan by February 1st for a WETA review prior to holding public hearings on the plan.

Mr. Stanley concluded with congratulations to the staff and board for making the dream of new boats a reality.

5. REPORTS OF STAFF

Manager of Community Relations Shirley Douglas reported that the Gemini Christening events planned for December 12 were moving forward and that she had heard many excited reactions about the boat from Alameda/Oakland ferry riders who had seen Gemini in dry dock in Alameda.

Ms. Douglas stated that the press conference before the christening at Gate E would include Congresswoman Barbara Lee, Matthew Bettenhausen of the Governor's Office of Homeland Security and Diane Howard, Vice Mayor of Redwood City and Chair of the WETA Community Advisory Committee. She added that other speakers were yet to be confirmed but it was still possible that Senator Feinstein and Governor Schwarzenegger may attend. Ms. Douglas said that media outreach would continue over the next week and noted the recent article in the Chronicle as an example of the interest in Gemini.

Ms. Douglas reiterated that the press conference would be followed by a VIP luncheon, followed by an open house and later a WETA holiday party at Pier 41, and that plans for each of the events were shaping up. She noted that Gemini would remain docked for all events and that it would be a busy and exciting day.

6. CONSENT CALENDAR

Director Johnson made a motion to approve the minutes from the November 6, 2008 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

7. EXPANSION OF FERRY BERTHS AT THE DOWNTOWN FERRY TERMINAL SITE

Manager of Planning and Development John Sindzinski presented this item regarding the negotiation and execution of a Memorandum of Understanding (MOU) with the Port of San Francisco concerning the expansion of ferry berths at the downtown ferry terminal site. He reviewed the imperative for increased docking capacity at the Ferry Building in order to meet the needs of WETA's planned commuter services and for emergency response.

Director Johnson noted a concern over potential costs resulting from the MOU. She suggested that the Board authorize staff to negotiate an MOU that would later be brought back to the board for approval before any resulting financial commitments were entered into.

Public Comment:

Reinhard Ludke of C+D Engineers noted that his firm was working with Golden Gate Bridge, Highway and Transportation District on projects related to their facilities at the Ferry Building and asked how those projects might be impacted and who would be responsible for procurement of contracts for the WETA projects. Mr. Sindzinski replied that the later would be done by WETA. A representative of the Port of San Francisco responded regarding the impact of other projects that the Port would be addressing implementation of the Waterfront Land Use Plan at a meeting to be held the following Tuesday.

Vice Chair Intintoli made a motion to approve the item with the provision that no costs be incurred without board approval. Director Bellows seconded the motion and the item carried unanimously.

8. PROCUREMENT OF CONTRACTORS FOR THE CONSTRUCTION OF THE SOUTH SAN FRANCISCO FERRY TERMINAL

Mr. Sindzinski presented this item regarding approval to release procurement documents for the construction of the Authority's first ferry terminal at Oyster Point in South San Francisco. He noted that with the lease agreement nearly finalized that the process to begin terminal construction needed to be expedited in order to meet a target of completion by Fall 2010.

Director Johnson asked Mr. Sindzinski to clarify "procurement" and \$20 million for construction. Mr. Sindzinski reviewed the background of the South San Francisco terminal project and noted that the documents would be issued solely to procure proposals from contractors for each of the three elements of the construction: the demolition of existing piers and dredging; the fabrication, delivery and installation of the float and gangway; and the actual construction of the terminal structure. He clarified that the \$20 million was an estimate only and that issuing the procurement documents was not a cost item. He further noted that as stated in the item the actual contract awards for each of the three construction elements would come back to the board for approval.

Director Johnson asked that additional detail be provided for similar items in the future. Director O'Rourke asked for more information on the "Buy American" waiver and if this was something WETA could take a second look at. Regarding the waiver, Mr. Sindzinski responded that the cost and wait time for US made steel might mean that the waiver could be included in all of the contractors' proposals. Director O'Rourke suggested that he was willing to assist where needed.

Public Comment:

Reinhard Ludke of C+D Engineers asked if the award of contracts would be based on price. Mr. Sindzinski replied that consideration of the proposals would be weighted on several factors including expense, viability and so forth. Mr. Ludke asked if he could see further details of the procurement documents at this time. Mr. Sindzinski responded that the documents will be issued publicly to potential bidders via an extensive outreach followed by a six week window that would include a pre-bid conference. WETA counsel Stanley Taylor of Nossaman LLP reiterated that the documents would not be available until they are publicly released to all interested parties.

Vice Chair Intintoli made a motion to approve the item with the provision that no costs be incurred without board approval. Director O'Rourke seconded the motion and the item carried unanimously.

9. RFQ FOR TERMINAL DESIGN AND ENVIRONMENTAL SERVICES

Mr. Sindzinski presented this item regarding approval to release a Request for Qualifications for design services for ferry terminals including conceptual design in support of the environmental assessments of terminals in the cities of Antioch, Martinez, Redwood City and Richmond; final design of the Berkeley/Albany terminal; all design for Treasure Island and the downtown San Francisco ferry terminal expansion project, and to approve by motion the release of procurement documents for the environmental assessment of expanded ferry terminal and related facilities at the San Francisco Ferry terminal.

Vice Chair Intintoli suggested that Director Johnson's concern over the previous item may have been the use of the term "procurement documents," which was reiterated with the current item. Director Johnson agreed and said the term is too condensed.

Public Comment:

Reinhard Ludke of C+D Engineers asked who would administer the Treasure Island project. Mr. Sindzinski replied WETA.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots asked for background on the environmental documents and if there was a concern that these projects move ahead before operational funding was in place. Mr. Sindzinski responded that no funding was currently committed for many of these projects but that it is reasonable to proceed with doing this work now so that WETA is ready to move ahead when funding materializes.

Chair Johnson asked if the item was time sensitive. Mr. Sindzinski responded that it was, in particular for the Ferry Building project and the Treasure Island project.

Public Comment:

Alan Wolken of the Richmond Community Redevelopment Agency said that it was important for the City of Richmond to keep the project moving forward.

Vice Chair Intintoli suggested approving the item with the understanding that staff would come back with more details at an upcoming meeting and all agreed. Vice Chair Intintoli then made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

10. REPORT ON COMMENTS RECEIVED ON THE BERKELEY/ALBANY DRAFT EIR/EIS

Mr. Sindzinski presented this informational item with a report on comments received to date regarding the Draft EIR/EIS for the Berkeley/Albany ferry terminal and service. He discussed the public hearing held in Berkeley on November 18th and summarized the comments received to date, noting that the formal comment period would close on December 31st. He noted that suggestions for the preferred terminal location would be brought to the board at the meeting to be held in Berkeley on January 8th.

Vice Chair Intintoli asked regarding public meetings if board members should attend Transition Plan hearings. Mr. Stanley said that it was encouraged but not required. Board members agreed they should attend. Director Johnson said she would attend one held in Alameda. WETA counsel Stanley Taylor of Nossaman LLP noted that three or more board members in attendance would require agendaizing the meeting.

Public Comment:

Allan Maris, former member of the WTA Citizens Advisory Committee presented his comments on terminal locations which he agreed he would submit in writing for inclusion with other comments received on the DEIR/EIS.

Director Johnson asked Mr. Sindzinski which location was the current the preferred site. Mr. Sindzinski replied that it was inappropriate for staff to respond while the public comment period was still open, and that staff recommendations would be submitted to the board at a later date.

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

Deputy Director of Finance and Administration Nina Rannells presented this item requesting the board to approve a list of FY 2008/09 Proposition 1B Waterborne program projects for transmittal to the State Office of Homeland Security, and to authorize the Executive Director,

Attorney and Deputy Director of Finance and Administration to execute the grant program actions required to obtain the Proposition 1B funding.

Vice Chair Intintoli commented on the broadness of the information as provided and said he would like more specific information provided on items such as parking, which was not included under core facilities. He also indicated concern that items such as emergency response barges would be incurring costs when not in emergency use.

Ms. Rannells responded that the Transition Plan would clarify to a greater extent what the anticipated costs will be for maintenance facilities and parking needs, but that that information would come as a result of work done on the Transition Plan and is not yet available in an appropriate state for this item. Manager of Operations Keith Stahnke clarified that the maintenance barges would be in daily use and not reserved solely for emergencies. He added that WETA was constrained by the relatively few available sites for maintenance facilities, and that maintenance barges would be the most practical solution.

Director O'Rourke noted that San Francisco had just passed a ballot measure that may make this an appropriate time to talk about jobs on the waterfront. Director Johnson asked what location in Alameda was being considered for a maintenance facility. Mr. Stahnke answered that it was Pier 5 near the USS Hornet.

Director Bellows asked about the discrepancy between the total estimated cost for the environmental work associated with the downtown San Francisco Ferry berthing project, as identified in Item 9, and the amount requested in Proposition 1B funds for this same project. Ms. Rannells explained that the Proposition 1B request is for a portion of the total cost, and that staff would augment this request with future funds as the project proceeds. This stepped approach to funding is required as the result of Proposition 1B timely use of funds policy that requires that funds are used within three years.

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

12. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:50 p.m. Upon reopening of the meeting at 3:25 p.m. she reported that the board had authorized completion of negotiation and execution of the South San Francisco lease agreement. No other action had been taken.

13. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:30 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

FROM: John Sindzinski, Manager of Planning & Development

SUBJECT: Albany/Berkeley Alternative Ferry Terminal Location Study and Recommended Site for the Locally Preferred Alternative

Recommendation

Receive public comments on the draft EIR/EIS and direct staff to formalize a recommended site as the locally preferred alternative for Board approval in February, 2009.

Background

By way of background, the purpose of this agenda item is to consider comments we have received in response to the 60 day public comment period that ended December 31, 2008 concerning the draft EIR/EIS for the Albany/Berkeley ferry terminal project.

This required comment period and the draft EIR/EIS itself is meant to provide you, as the WETA decision makers, the best available information and public "testimony" about the various sites that we have been studying as a possible location for this terminal.

In particular, today's item will summarize the comments we have gotten on this project and what these comments suggest may be impacts of choosing a specific site in terms of environmental issues. State and federal environmental laws and rules require we consider (and respond to) these comments and the technical analyses in our deliberations to choose what is commonly referred to as the most environmentally superior site. Please keep in mind that some of the comments we received suggest that there are "impacts" not noted in the DEIR associated with building a terminal at a certain location. In fact the "Response to Comments" process will evaluate each comment and determine if a) the purported impacts are indeed impacts from a strict environmental perspective, and b) if the impact is potentially significant. Whether an impact is significant or not is a decision made in terms of criteria set forth in the draft document in strict adherence with state and federal laws and regulations. Please bear in mind that some impacts identified as potentially significant can be mitigated through design and other actions we take in building the project to be less than significant. If mitigating an impact to less than significant is not possible, the question becomes whether or not there are overriding benefits to proceeding with the project understanding there are unavoidable significant impacts. As such, the Board would have to make a formal decision on each un-mitigable issue.

However, the purpose of today's discussion is not to resolve all impacts. Instead, we are asking you to consider the technical information and testimony we have before us to narrow the choices of a terminal site to a smaller subset. This will lead to choosing what

is referred to as the locally preferred alternative that will focus preparation of the final EIR/EIS on that site. In this way we can economize on the analysis work and develop detailed responses (and design modifications if needed) to the impacts that go along with this site.

Please note, that for reasons discussed below, we are not asking you to make the decision to select the locally preferred alternative site today. Instead we are reviewing the work our consultant have done for us and the comments the public made so that we have carefully considered all these factors in a deliberative, rational and systematic manner. You will be asked to make the selection of the locally preferred alternative in the near future as we complete some additional outreach efforts requested of us during this comment period.

In 2006, URS (the environmental consultant for the Berkeley service) performed technical analyses to characterize and evaluate four alternative sites for the proposed ferry service along the East Bay waterfront. The four sites under consideration are:

- Alternative A:** Located at the Berkeley Marina, adjacent to the Hornblower dock
- Alternative B:** Located between the landside end of the Berkeley Fishing Pier and Hs Lordships Restaurant
- Alternative C:** Located immediately north of the foot of Gilman Street, adjacent to the Golden Gate Fields horse stables
- Alternative D:** Located on the old pier site at the foot of Buchanan Street, adjacent to Golden Gate Fields

As part of their work URS looked at marine navigation issues for each alternative site, environmental issues, rafting birds, dredging requirements, landside access and parking, compatibility with existing and proposed land uses at each location and a number of other technical factors. Each site was then evaluated relative to each other against these criteria.

The URS preliminary study in 2006 provided a thorough and transparent technical analysis to support recommending a smaller set of locations that would be studied in the formal environmental assessment. However, at the July 2006 WTA Directors meeting, the Board moved to continue considering the four sites listed above in the formal environmental impact report/statement.

The Draft EIR/EIS was completed in October of this year and circulated for public comment between October 1 and December 31, 2008. Additionally, a public hearing was held in Berkeley on November 18, 2008. Comments received indicate significant stakeholder opposition to both sites in North Berkeley and Albany (sites C and D).

Discussion

We received written comments from approximately 28 organizations or people during the commenting period and heard 15 comments at the public hearing on November 18th. Approximately 7 written comments are duplicates of comments given during the hearing. The table below briefly summarizes the number of comments that indicated a position strongly supportive of, in opposition to, each alternative location.

Site Alternative Support and Opposition as Expressed in Public Comments on Berkeley/Albany Ferry Terminal Study		
Site Alternatives	Support	Oppose
A - Berkeley Marina Site	10	2
B - Berkeley Fishing Pier	8	1
C - Gilman Street	0	14
D - Buchanan Street	1	15

Based on comments received, there is no significant support for sites C or D. In fact, the majority of total comments received were comments specifically opposing both of these sites. Attached to this memorandum are copies of all comments and letters received as of December 31, 2008.

Some of the concerns cited for Alternatives C and D were:

- The presence of eelgrass beds and rafting birds
- Increased dredging activities that would be required in comparison to Alternatives A and B
- Dredging through state park lands
- Displacement of Golden Gate Fields horse stables in order to create parking spaces
- The construction of any project located next to a state park cannot impede upon the state park. It is likely that the construction and operation of a ferry terminal will impede upon the state park.
- In conformance with U.S. DOT Section 4(f) requirements, parkland use for any federally funded transportation project must demonstrate that no other feasible or prudent alternatives exist

Additionally, since the City of Albany is currently engaged in a visioning process for the Waterfront area, selecting this site for a ferry terminal would foreclose other land-use opportunities that arise from this process. Several city officials and residents have echoed this last concern. Due to the significant stakeholder opposition and un-mitigable issues associated with Alternatives C or D, staff does not recommend further consideration of either of these sites as the locally preferred alternative.

This leaves us with Alternatives A (Marina) and B (Pier) in Berkeley. Alternative A is located at the Berkeley Marina, adjacent to the Hornblower dock. While there is more support in the comments for site A in comparison to sites C and D, there are still several environmental and economic impacts associated with this location including, the probable presence of native oysters; interference with recreational boaters and disruption of commercial enterprises; removal of, and compensation for, high-value berthing slips; and acquisition and management of marina parking spaces (particularly for marina residents). Accordingly, Alternative A does not appear to be the best of the Berkeley options.

The last site, Alternative B, is located between the landside end of the Berkeley Fishing Pier and Hs Lordships Restaurant. Concerns regarding this site included the location of

parking, how a fee based parking system will likely result in ferry passengers seeking the free parking used by marina residents and users, and the fact that two parallel channels would have to be dredged (dredging already occurs at the Berkeley Marina, Alternative A). One commenter expressed serious concern that the project site is where wind surfers use the Bay for sailing.

The City of Berkeley's Planning Commission also advised us that they would strongly prefer the opportunity to meet with WETA staff and provide comments on the project before we select a preferred site. While this will delay selecting a locally preferred alternative we support this request to maximize public input and dialogue to help us select the most supportable site for our east shore terminal.

Financial Implications

There are no direct financial implications to this action.

Options

Select a locally preferred alternative based on the information provided to date.

END

Terminal Site Alternatives



- A. Berkeley Marina
- B. Berkeley Fishing Pier
- C. Gilman St
- D. Buchanan St