



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 December 3, 2009 at **1:30 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
December 3, 2009 Meeting of the Board of Directors**

6. CONSENT CALENDAR **Action**
a. Minutes November 5, 2009
7. AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE REIMBURSEMENT AGREEMENTS WITH THE CITY OF ALAMEDA, PORT OF OAKLAND AND CITY OF VALLEJO FOR TRANSITION EXPENSES **Resolution**
8. AUTHORIZE EXECUTIVE DIRECTOR TO AMEND THE VESSEL UTILIZATION PLAN **Action**
9. UPDATE ON BERKELEY FERRY SERVICE PROJECT **Information**
10. RECESS INTO CLOSED SESSION
- a. 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
- b. 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
- c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**
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
To Be Determined
11. 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
12. 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.

Water Emergency Transportation Authority
December 3, 2009 Meeting of the Board of Directors

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: December 3, 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.

WETA and Alameda are working on an updated schedule for all transition details to be finalized by March 2010 with the actual transfer to occur on July 1, 2010. The Vallejo transfer is still expected to occur on July 1, 2010, however this date may get pushed back by 6 months. WETA met with City of Alameda staff on October 29 to begin drafting a mutually agreed upon term sheet for the transfer of assets. Over the next month, staff will be procuring various services required to complete and verify the information contained in the term sheet, such as surveyor and title search services.

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

Preparation of the EWTSMP and the Emergency Operations Plan (agency's internal plan) are complete. WETA continues to develop and implement a training program to staff and operate the emergency operations center in the event of a disaster. WETA staff met with CalEMA staff at the Regional Emergency Operations Center on November 23 to deliver WETA's plans and become acquainted with the staff and office space as WETA may be required to provide a liaison to the CalEMA Regional Emergency Operations Center in the event of a major disaster.

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.

During the Bay Bridge closure last month, ridership on the Harbor Bay route increased and has not decreased back to pre-bridge closure levels. With the Bay Breeze out of service for the next several months for generator and engine replacement, the Harbor Bay service will not have a high capacity vessel available. Accordingly, an item on the agenda this month proposes a change to the Vessel Utilization Plan to allow placement of the 199-passenger Scorpio on the Harbor Bay route.

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. The Scorpio has completed builders and performance trials, final system signoff should be complete by the 6th of November. Vessels are expected for delivery in late November 2009 and early 2010.

On the terminal side, the dredging and demolition work is underway. The RFPs for terminal and float construction were released on November 9. Notification of the RFP was emailed to over 300+ interested consultants, emailed through the Passenger Vessel Association list serve, advertised in the San Francisco Chronicle and the San Francisco Business Times and available in plan rooms around the city and in all local builders exchanges. The pre-bid conference will be held on December 1, 2009 at 10:30 am – noon at the Oyster Point Marina, and responses are due by 2:00pm on December 18th.

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. The Berkeley City Council took action on the Berkeley ferry service and terminal on November 17, 2009, approving the plan with certain conditions that will be discussed in another item on today’s agenda.

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 Treasure Island 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 in early 2010.

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

Staff is finalizing the memorandum of understanding (MOU) with the Port of San Francisco to outline the working relationships and responsibilities for the design and environmental clearance work. Staff anticipates releasing the RFQs for this work in mid-December with the expectation that the award would be made at the February 2010 Board of Directors meeting.

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.

This project has taken longer than expected due to delays with permitting agencies. WETA received conditional approval of our public access plan from BCDC on October 23, 2009. Staff is currently preparing an RFP for this project and hopes to release it within the next month.

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 is finalizing the design contract with kpff Consulting Engineers and will start associated work in early December.

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

November 9, Staff met with our Federal Lobbyists, Peter Friedmann and Kathy Beaubien to discuss the agency's strategy for garnering federal support and funds over the next year.

On November 11, Keith Stahnke attended the MTC TRP Steering Committee meeting and the transit 2010 Golden Guardian exercise design team meeting.

On November 16, Keith Stahnke and Michael Gougherty attended a real-time information for ferry services meeting with MTC 511 staff.

On November 17, Keith Stahnke participated in a Caltrans transit agency coordination meeting, planning for the next Bay Bridge closure.

November 17, Nina Rannells and John Sindzinski gave a presentation to the Berkeley City Council requesting a resolution of support for establishing a Berkeley ferry service.

November 23, Nina Rannells, Lynne Yu and Lauren Duran met with staff from Caltrans to discuss the assignment and assumption of grant agreements from the City of Alameda to WETA as part of the process to transition the Alameda ferry services to WETA.

November 23, Nina Rannells, Keith Stahnke and Lauren Duran met with CalEMA staff at the Regional Emergency Operations Center (REOC) in Oakland to discuss funding issues and to set up a work space for a WETA staff member in the event REOC requires a Liaison from WETA.

OTHER ACTIVITIES / ITEMS

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

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 move forward. CalEMA has also advised staff that grant expenditure reimbursement should be received within an 8 weeks timeframe. Staff is closely monitoring this payment term.

AB 1203 – This directs 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 was signed by the Governor on October 11, 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. DIR issued a draft special determination for prevailing wages for regular ferry operations on the San Francisco Bay. DIR is awaiting information from IBU on their member's health care plan selection before they issue a final determination. Once DIR issues the final determination, WETA will analyze the potential impact of a prevailing wage policy on existing services for discussion at a future meeting.

ADMINISTRATION

October Financial Statements - Attached are the monthly financial statements for October 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
October 2009

					% of Year Elapsed 34%
	Current Month	Prior Year Actual	FY 2009/10 Budget	FY 2009/10 Actual	% of Budget
Operating Revenues					
Operating Assistance					
RM 2 Planning	395,268	3,656,290	4,500,000	1,064,166	23.6%
SUASI	(7,173)	173,802	-	26,198	0.0%
Total Operating Assistance	388,095	3,830,092	4,500,000	1,090,363	24.2%
Other Revenues					
Interest Income	1,566	34,643	30,000	5,741	19.1%
Other	-	51,500	-	1,000	0.0%
Total Other Revenues	1,566	86,143	30,000	6,741	22.5%
Total Operating Revenues	389,661	3,916,235	4,530,000	1,097,104	24.2%
Total Capital Revenues	1,902,167	17,675,940	35,816,070	2,961,078	8.3%
Total Revenues	2,291,828	21,592,175	40,346,070	4,058,182	10.1%
Operating Expenses					
Operations					
Wages and Fringe Benefits	124,141	1,294,230	1,590,000	448,899	28.2%
Services	232,414	2,164,056	2,370,000	503,685	21.3%
Materials and Supplies	833	29,045	92,500	1,862	2.0%
Utilities	966	12,847	17,000	2,474	14.6%
Insurance	-	30,352	35,000	28,216	80.6%
Miscellaneous	6,787	41,170	95,500	14,200	14.9%
Leases and Rentals	22,955	295,942	300,000	91,026	30.3%
Total Operations	388,095	3,867,643	4,500,000	1,090,363	24.2%
Total Operating Expenses	388,095	3,867,643	4,500,000	1,090,363	24.2%
Total Capital Expenses	1,902,167	17,675,940	35,816,070	2,961,078	8.3%
Total Expenses	2,290,262	21,543,583	40,316,070	4,051,442	10.0%
Excess Revenues (Loss)	1,566	48,592	30,000	6,741	

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

Project Description	Current Month	Project Budget	Prior Year Actual	2009/10 Budget*	2009/10 Actual	Future Year	% of Project
Expenses							
2 Spare Vessels	941	17,000,000	16,758,493	241,507	6,234	-	99%
SSF Vessels	1,763,490	20,500,000	11,441,898	7,000,000	2,747,943	2,058,102	69%
SSF Terminal Design	21,188	3,000,000	2,794,926	205,074	57,288	-	95%
SSF Mitigation Study	-	275,000	35,581	100,000	-	139,419	13%
SSF Terminal Construction	92,887	26,000,000		15,000,000	92,887	11,000,000	0%
Berkeley Environ/Conceptual Design	17,800	1,782,700	1,490,239	292,461	34,149	-	86%
Berkeley Terminal Design	-	3,200,000		1,500,000	-	1,700,000	0%
Hercules Environ/Conceptual Design	3,604	1,080,000	908,016	171,984	20,061	-	86%
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	2,258	2,600,000	7,394	2,592,606	2,518	-	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	1,902,167	88,687,700	33,730,110	35,816,070	2,961,078	19,141,520	
Revenues							
RM 2	918,914	37,887,699	30,960,852	5,996,429	1,939,173	930,418	87%
San Mateo Sales Tax	19,924	15,000,000	-	8,653,950	19,924	6,346,050	0%
Federal	70,720	9,480,002	2,705,864	4,174,100	70,720	2,600,038	29%
Proposition 1B	892,610	26,319,999	63,395	16,991,590	931,262	9,265,014	4%
Total Capital Revenues	1,902,167	88,687,700	33,730,110	35,816,070	2,961,078	19,141,520	

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(November 5, 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

Vice Chair Anthony Intintoli called the meeting to order at 1:00 p.m. Directors present were Vice Chair Intintoli, Director Gerald Bellows and Director John O'Rourke. Chair Charlene Haught Johnson arrived at 1:20 p.m. Director Bellows led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

None.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells noted that October had been a busy month for WETA with the South San Francisco groundbreaking and a tabletop emergency response exercise immediately followed by the unanticipated Bay Bridge closure.

Ms. Rannells introduced Operations Manager Keith Stahnke who gave a detailed review of how ferries participated in providing a supplemental transit option during the closure. Mr. Stahnke noted the substantially increased ridership figures for the week and the services added by the Alameda-Oakland Ferry, Harbor Bar Ferry, Vallejo Baylink and Golden Gate Ferry to meet passenger demand. He said that staff participated in daily updates with MTC and Caltrans, and also noted an oil spill in the Bay and mechanical problems with a Baylink vessel, each of which added additional challenges. Mr. Stahnke noted that the added services were successful overall and that no problems had been reported. He also noted the successful transit of a professional basketball team by Blue & Gold for a Rockets v. Warriors game during the bridge closure.

Mr. Stahnke then reported on WETA's third vessel, *Scorpio*, noting that emissions testing and trials had been successful and that signoffs finalizing the vessel transfer to WETA could happen as soon as the following Thursday. He said that depending on available weather windows, the vessel could potentially arrive in the Bay within the next two weeks. Mr. Stahnke added that after US Coast Guard certifications and crew training, *Scorpio* would enter service under charter to the City of Alameda.

Mr. Stahnke then noted that *Gemini* would soon be one year old and out of her warranty period, and that the vessel would be hauled out and inspected for any needed work within the next few weeks.

Ms. Rannells then introduced Michael Gougherty, who recently joined WETA in the position Transportation Planner/Analyst. She noted that Mr. Gougherty holds a Master in City Planning from U.C. Berkeley and had most recently served as a planning consultant to BART.

Vice Chair Intintoli then reviewed the 2010 meeting schedule included in the board packet. Ms. Rannells noted that it followed the same first Thursday of each month schedule as 2009.

Vice Chair Intintoli also noted that AB 1203, which had been stalled on the Governor's desk awaiting signature, had now been signed.

5. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the October 1, 2009 Board of Directors meeting. Director O'Rourke seconded the motion and the item carried unanimously.

6. AUTHORIZE THE RELEASE OF REQUESTS FOR PROPOSALS FOR SOUTH SAN FRANCISCO FERRY TERMINAL CONSTRUCTION CONTRACTS

Manager of Planning and Development John Sindzinski presented this item requesting Board authorization to release of Requests for Proposals for two South San Francisco ferry terminal contracts, including a contract to construct the terminal float and gangway systems and a contract for pier and landside terminal facilities.

Mr. Sindzinski reviewed the status of the South San Francisco terminal project and the timeline for the RFPs, noting that if approved, recommendations to award would be brought back to the Board in February.

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

7. AUTHORIZE ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE PORT OF SAN FRANCISCO FOR COORDINATED PLANNING OF THE DOWNTOWN SAN FRANCISCO FERRY TERMINAL BERTHING EXPANSION PROJECT

Mr. Sindzinski then presented an item to authorize the Executive Director to execute a Memorandum of Understanding with the Port of San Francisco regarding coordinated planning and environmental work associated with the expansion of berthing facilities and related amenities at the Downtown San Francisco Ferry Terminal.

Ms. Rannells noted that this and the following item were interrelated and important parts of WETA's capital program, and that now was the time to move forward on these items. She added that the Port of San Francisco was a key partner for WETA's success in meeting the need for increased capacity at the ferry building for Treasure Island and other services.

Mr. Sindzinski reviewed the MOU, noting the premise for the agencies to work in partnership to expand the ferry terminal facilities, with WETA serving as the lead in developing new ferry berthing facilities and amenities and the Port serving as the lead for any related land-use improvements.

Director Bellows asked if the MOU had already been negotiated. Mr. Sindzinski replied that the MOU had been worked out with the Port over a five month period.

Director O'Rourke asked who would be building the vessels to serve Treasure Island. Mr. Sindzinski replied that this is still to be determined, but that the vessel construction funding would be handled as part of the Treasure Island redevelopment program and not by WETA.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots noted that as this was a long term project, and given WETA's mandate for emergency response, that WETA should look for ways to avoid delays and consider what could be done with existing facilities with a minimum of environmental work. She

noted that the boats already exist and that the need for increased landside facilities was a key issue.

Ms. Sanchez also referred to Attachment B to the Draft MOU, suggesting that as the Port has pre-existing challenges regarding parking, clarification should be made limiting WETA's involvement with parking issues to ferry terminals.

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

8. AUTHORIZE RELEASE OF REQUEST FOR QUALIFICATIONS FOR ENVIRONMENTAL REVIEW AND DESIGN SERVICES FOR THE DOWNTOWN SAN FRANCISCO FERRY TERMINAL BERTHING EXPANSION PROJECTS

Mr. Sindzinski presented this request to authorize, by motion, the release of Request for Qualifications for environmental review and design services for the expansion of berthing facilities at the Downtown San Francisco Ferry Terminal.

He noted that with the exception of the South San Francisco-Oakland service, WETA's plans to expand ferry transit on the Bay as many as seven new routes will be operating with San Francisco's Downtown Ferry Terminal as their destination and that expansion would be required to meet the need for additional capacity. Mr. Sindzinski reviewed the timeline for issuing the RFQs and noted that recommendations to award contracts would be brought back to the Board in February.

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

9. AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR DESIGN SERVICES FOR THE CENTRAL BAY OPERATIONS AND MAINTENANCE FACILITY

Mr. Sindzinski presented this item to approve award of a professional services contract to kpff Consulting Engineers for the design and engineering of the Central Bay Operations and Maintenance Facility in Alameda. He reviewed the qualifications of kpff and noted that ICF, formerly Jones and Stokes, would be doing the environmental work.

Vice Chair Intintoli asked who currently owned the land. Mr. Sindzinski indicated that it was currently held by the Navy, and that the City of Alameda has authority for issuing a long term lease and WETA would be negotiating for a 65 year lease.

Chair Johnson asked what WETA would receive for \$200,000. Mr. Sindzinski replied that the contract would result in design plans that would allow the project to move forward.

Director O'Rourke asked if any other locations were available through the Port of San Francisco. Mr. Sindzinski replied that many locations had been looked at but that anything available on the San Francisco side would require tens of millions in infrastructure work and that the Alameda site had emerged as the most suitable.

Director Bellows asked if there would be parking available at the Alameda location. Mr. Sindzinski replied that there was a sizable lot near the location and that parking would be arranged with the City of Alameda.

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

10. PUBLIC COMMENT

Berkeley Marina resident James McVaney suggested that WETA continue to consider funding a portion of the Bay Trail through the Berkeley Marina to encourage support from the community and to address traffic and parking issues.

Marina Secchitano of the IBU offered congratulations on the South San Francisco terminal groundbreaking. She then suggested that WETA hold a celebration for the arrival of Scorpio as it would be encouraging for people to see projects being completed during difficult times. Ms. Secchitano also suggested that any future boats be larger than Scorpio's 199 passenger capability in order to increase evacuation capacities.

Chair Johnson noted that a key aspect of consolidating ferry services would be the ability to re-assign current vessels in order to reflect capacity requirements in a variety of situations including bridge closures and emergency response.

Berkeley resident David Fielder stated his concern that WETA was not fully aware of the opposition to the Berkeley Ferry Service project. He stated that the Citizens for East Bay Parks voted against the location of the Berkeley terminal, and noted that the Waterfront and Transportation Commission had supported the project with strong reservations, including the Transportation Commission's concern that the road leading to the terminal site may be subject to liquefaction. He noted that the Planning Commission had declined to support the project by a vote of 2 to 1. He concluded by stating that these concerns would remain regardless of the project's support from the Berkeley City Council and strongly urged WETA not to proceed at the selected terminal location.

11. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 1:53 p.m. Upon reopening of the meeting at 3:12 p.m. she reported that no action had been taken.

12. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:12 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director

SUBJECT: Authorize Executive Director to Execute Reimbursement Agreements with the City of Alameda, Port of Oakland and City of Vallejo for Transition Expenses

Recommendation

Authorize the Executive Director to execute agreements with the City of Alameda, Port of Oakland and City of Vallejo, as required, for reimbursement of reasonable and eligible costs associated with the transfer of existing ferry services to WETA.

Background/Discussion

Senate Bill 976, as amended by Senate Bill 1093, created the Water Emergency Transportation Authority and, among other things, directed the transition of Alameda and Vallejo ferry services under WETA. To ensure funding for this new work activity, Senate Bill 1093 amended Section 66540.11 (e) of the Government Code to require WETA to cover reasonable administrative costs incurred by the transferring agencies that are substantially a result of the transition, and identified Regional Measure 2 as an eligible operating source for transition activities. These code modifications were intended to ensure that the cost of transition-related expenses, such as attorneys fees, title reports and additional staff efforts outside of the City's planned budgets would be eligible for reimbursement through WETA, as determined by MTC to be reasonable and substantially resulting from the transition.

WETA's FY 2009/10 operating budget, as adopted by the Board on June 4, 2009, included up to \$600,000 to support development of transition agreements, development of a marketing plan for WETA and the transitioning services, and implementation of marketing and public information activities associated with the transition. This budget is supported by an MTC allocation of FY 2009/10 Regional Measure 2 funds of \$600,000, as authorized by the WETA Board on June 18, 2009, to support service transition activities undertaken by WETA and the transferring agencies.

This item authorizes the Executive Director to execute reimbursement agreements between WETA and the transferring agencies for reimbursement of necessary expenses incurred by the transferring agencies that are reasonable and substantially resulting from the transition. It is anticipated that these expenses will largely be associated with the preparation and negotiation of documents required to effectuate the transition, including but not limited to the long-term lease agreements associated with the service transition, and related due diligence activities. Staff will work with the transferring agencies to establish a work scope and budget for the transition reimbursements to ensure that the costs support service transition and fall within the approved MTC allocation amount.

Fiscal Impact

All costs associated with these agreements will be covered with Regional Measure 2 funds that have been allocated by MTC in FY 2009/10 specifically to support the service transition activities.

End

MEMORANDUM

TO: Board Members

**FROM: Nina Rannells, Executive Director
Keith Stahnke, Manager, Operations & Maintenance**

SUBJECT: Authorize the Executive Director to Amend the Vessel Utilization Plan

Recommendation

Authorize the Executive Director to amend the Vessel Utilization Plan and related agreements for WETA vessels chartered to the City of Alameda to support Alameda-Oakland and Alameda Harbor Bay services.

Background/Discussion

The Board of Directors approved the first WETA Vessel Utilization Plan in October of 2008 which placed Gemini (149 passenger capacity) with the City of Alameda to support their Alameda-Oakland service and Pisces (149 passenger capacity) with the City of Alameda to support their Harbor Bay service. In October 2009, the Board approved a revised Vessel Utilization Plan which incorporated the use of WETA's new vessel, Scorpio (199 passenger capacity), in City of Alameda service and realigned the Gemini and Pisces for use as follows:

Current Vessel Utilization Plan

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

Since Board approval of this plan, City of Alameda staff has indicated a preference to maintain the Gemini in Alameda/Oakland service and assign the Scorpio to Harbor Bay service. This change of plan is driven by recent ridership increases experienced on the Harbor Bay line during and since the recent Bay Bridge closures as well as a general need and desire to utilize the higher-capacity Scorpio in Harbor Bay service during the up-coming repower of the Bay Breeze (250 passenger capacity), which currently serves as the main vessel for this service.

Staff supports City of Alameda's request, which would result in a modified plan as follows:

Proposed Vessel Utilization Plan

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

The action proposed by staff related to this item would provide the Executive Director with the general authority to amend the Vessel Utilization Plan and related agreements for vessels chartered to the City of Alameda. Delegating this authority to the Executive Director will allow staff to promptly respond to requests to shift resources between routes in response to changing operating requirements and ensure maximum utilization and public benefit from these regional transportation resources.

Fiscal Impact

None.

End

MEMORANDUM

TO: Board Members

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

SUBJECT: Update on Berkeley Ferry Service Project

Recommendation

This item is informational only so there is no recommended action.

Background/Discussion

WETA completed a Draft Environmental Impact Report/Statement (EIR/S) for new ferry service between Berkeley and San Francisco in September 2008, which evaluated the impacts of a proposed Berkeley Ferry Terminal at four potential sites. At the April 2, 2009 WETA Board of Directors meeting, the Board selected the "Berkeley Fishing Pier" site along Seawall Drive as the locally preferred alternative for the proposed terminal. WETA received approximately 60 public comments on the Draft EIR/S and has worked in recent months to consider these comments in developing a draft Final EIR/S document related to ferry service at the Seawall Drive site.

To proceed with the project, WETA must next prepare and submit a Final EIR/S for review, and, ultimately, certification by the Federal Transit Administration (FTA) in its Record of Decision as the lead federal agency for the project. FTA staff indicated in its review of the Draft EIR/S that it will not certify a Final EIR/S unless local support is demonstrated for the project. As a result, WETA requested that the City of Berkeley, as the landowner of the terminal site and local jurisdiction served by the proposed route, adopt a formal resolution of support related for the ferry service and terminal at Seawall Drive.

On November 17, 2009, the Berkeley City Council considered formal action to either adopt a Resolution supporting the proposed ferry terminal subject to specified conditions as identified by their Transportation and Waterfront Commissions, or to wait for release of a Final EIR/S and return to Council for consideration of the proposed project. Following a WETA staff presentation of the project, public comments from 23 speakers and considerable discussion by the Council members, the Council voted 7 ayes to 2 noes (Arreguin D-4 and Worthington D-7 opposed) to adopt a Resolution supporting the proposed Berkeley ferry terminal with a number of conditions as identified in **Attachment A** to this report.

Staff is optimistic that the Resolution represents a workable framework for moving forward collaboratively with the City of Berkeley on the project. However, some of the conditions will have near-term effects on the work and cost associated with completing the Final EIR/S as well as longer term operational impacts that will be important to consider and understand. Staff is in the process of evaluating the impacts of these conditions and will be prepared to discuss these with the Board at the meeting.

End

Attachment A

1. Neither the City's General Fund nor the Marina Fund shall ever be required to subsidize the construction, development, maintenance, or operation of the ferry terminal and service, either with cash funds or in-kind services (e.g. infrastructure construction, parking enforcement or development, sanitation, engineering, or public-safety services; utilities; etc.).
2. The final site plan submitted for regulatory permits shall include all parking spaces that meet the City of Berkeley's minimum requirements, and no more than 30% of the 89 public-access parking spaces sized for compact vehicles.
3. WETA shall lease the ferry terminal for \$1/year.
4. WETA will work collaboratively with the City of Berkeley to design a parking enforcement plan to ensure that WETA patrons use only WETA parking lot and minimize any impact on the surrounding parking areas. WETA will collaborate with the City of Berkeley in studying the feasibility of a parking fee structure for WETA patrons. Any such parking fee will be used to support the ferry operation and/or enhanced feeder services; enhanced AC Transit service; shuttle service providing Berkeley residents with enhanced access to WETA service and connections to existing public transportation (Emery-go-round, UC and Lawrence Berkeley National Laboratory Shuttle, etc.).
5. WETA will work collaboratively with the City of Berkeley to provide for rigging sails (layout area) for windsurfers.
6. The configuration of the ferry terminal and any associated breakwaters shall not substantially interfere with recreational windsurfers.
7. WETA to provide traffic mitigations as required in FEIR. WETA to work with the City of Berkeley to obtain funding for the improvement of Eastbound University Avenue, west of the frontage road intersection. WETA will take responsibility for Bay Trail improvements as set forth in the presentation site plan.
8. Maintain the existing 316 parking spaces proposed to be assigned to the HS use for future economic development purposes for the City of Berkeley and WETA will cooperate with City of Berkeley to provide access to additional spaces during off peak times.
9. WETA shall provide fully accessible bathroom facilities as part of the ferry terminal.
10. The City must be satisfied that the environmental impact statement/environmental impact report (EIS/EIR) that is anticipated to be certified by WETA for the project is legally adequate and sufficient, and adequately addresses all of the concerns raised by the City.
11. The City must be satisfied that WETA will adequately mitigate the impacts identified in the EIS/EIR and City's comments thereon.
12. WETA shall work with City staff and commissions to continue to resolve community concerns through the planning process.

13. WETA shall commit to operating ferry service with fuel efficiency consistent with other regional transit operators and best practices in low-emission ferry technology.
14. WETA shall commit to study the seismic safety of Berkeley Marina access roads in light of the “essential structures” standards proposed for the Terminal on this important emergency/disaster recovery route.
15. WETA will make docking facilities available to other service providers including Golden Gate National Recreation Area and Blue and Gold, to provide weekend service when not required by WETA for its operations or emergency services.