

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(June 2, 2011)

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 as acting chair at 1:08 p.m. Also present were Chair Charlene Haught Johnson, Director Jerry Bellows and Director John O'Rourke. Director Beverly Johnson arrived at 1:30 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 referred the Board to a new section in her written report that would update the Board on operational activities given WETA's new role as a ferry service provider. She invited guidance or feedback from the Board regarding how they would like this section to evolve and what information they felt it should include.

Ms. Rannells reported that the search for a new ferry service name was still underway and that a poll was currently up on watertransit.org that allowed participants to vote on a short list of names as well as to provide their own suggestions.

Directing the Board to the Berkeley item in her written report, Ms. Rannells said that the project continued to encounter challenges. She noted a copy of a letter before the Board dated April 28 from Berkeley City Manager Phil Kamlarz to WETA, and apologized if the Executive Director's report had mischaracterized the City's position in any way. She noted that issues regarding H^s Lordships lease were still problematic and that WETA staff continued to reach out to the City for their assistance and leadership in finalizing an agreement regarding WETA parking at this site.

Vice Chair Intintoli commented that if the H^s Lordships lease was with the City of Berkeley, then it was the City that would need to take the active role in negotiating any changes to the lease.

Public Comment

John Mann, Secretary of the Berkeley Waterfront Commission, said that the City wants the project to move forward but that the City is not in a position to use undue influence with H^s Lordships. He said that City staff is happy to facilitate the negotiation process and will memorialize their position in a MOU with H^s Lordships.

Concluding her report, Ms. Rannells referred the Board to the Federal Legislative report and directed their attention to the issue of federal earmarks shifting to a competitive grant process,

noting that this would impact three of WETA's projects including the Mare Island maintenance facility.

5. CONSENT CALENDAR

Chair Johnson made a motion to approve the consent calendar which included the minutes from the May 5, 2011 Board of Directors meeting, an Amendment to the Harbor Bay Maritime Operating Agreement and an Amendment to the Blue and Gold Fleet Operating Agreement. Director O'Rourke seconded the motion and the consent calendar carried unanimously.

6. EMERGENCY REPAIRS TO MARINE FACILITIES AT THE HARBOR BAY FERRY TERMINAL

Ms. Rannells presented this informational item regarding emergency repair of a piling failure at the Harbor Bay Ferry Terminal. She then introduced Ernest Sanchez, Transportation Services Manager, who presented the Board with details on the piling failure and the repair process. He anticipated that the permanent repair would be in place within two weeks.

Ms. Rannells noted that this work procurement had been performed on an emergency basis under the emergency authority of the Executive Director and that this was done per WETA's Administrative Code after consultation with WETA legal counsel. She added that although the item was considered informational as a result, the Board could choose to ratify the emergency procurement if they wished.

Chair Johnson thanked staff for taking quick action to resolve the issue. Ms. Rannells noted that Mr. Sanchez' and Operations Manager Keith Stahnke's experience with the service were instrumental in addressing the piling failure so quickly.

Vice Chair Intintoli asked if the item must be ratified. WETA counsel Stanley Taylor III of Nossaman LLP said that ratification was not required.

7. AUTHORIZE FILING APPLICATIONS WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR FY 2011/12 REGIONAL MEASURE 1 AND REGIONAL MEASURE 2 OPERATING AND CAPITAL FUNDS TO SUPPORT VALLEJO BAYLINK FERRY SERVICE

Finance and Grants Manager Lynne Yu presented this item requesting Board authorization to file applications with the Metropolitan Transportation Commission for a total of \$7.3 million FY 2011/12 Regional Measure 1 and Regional Measure 2 operating and capital funds, and to direct MTC allocation of first quarter FY 2011/12 RM1 and RM2 operating funds to the City of Vallejo to support Vallejo Baylink ferry service.

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

8. APPROVE AMENDMENT WITH GHIRARDELLI ASSOCIATES TO PROVIDE ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE SOUTH SAN FRANCISCO FERRY TERMINAL PROJECT

Manager of Planning and Development John Sindzinski presented this item requesting the Board approve Amendment No. 2 to Agreement #07-009 with Ghirardelli Associates in the amount of \$600,000 for additional construction management services required to complete the South San Francisco ferry terminal project and to authorize the Executive Director to execute the amendment.

Mr. Sindzinski said that he felt the services provided were a good value for WETA, noting that unlike larger transit agencies such as BART, WETA was not equipped to perform the services that

Ghirardelli provided and that their fees would be significantly less than the standard 10% of project cost.

Vice Chair Intintoli said that he had no doubt that their services were satisfactory but that there was a need for more transparency regarding the expense, both for the benefit of the public and the Board. He said that considering the amount had already been significantly increased with Amendment No. 1, that it was not made sufficiently clear in the current request why the amount needed to be increased again. He reiterated the need for transparency and Mr. Sindzinski agreed that this was desirable.

Director Johnson said that construction management services played an important role but that it was unusual to have time and materials included and that issues with subcontractors should be dealt with under the contract and not result in additional expenses for WETA.

Mr. Sindzinski said that these were good points and added that he generally tried to move forward with smaller budgets through contract amendments in order to maintain tighter control over costs.

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

9. APPROVE AMENDMENT WITH NOSSAMAN, LLP FOR THE PROVISION OF LEGAL SERVICES

Ms. Rannells presented this item for Board approval of Amendment No. 15 in the amount of \$650,000 to the agreement with Nossaman LLP for the provision of legal services in FY 2011/12 and to authorize the Executive Director to execute the amendment. Ms. Rannells projected that the largest portion of this work would go toward transition activities that she anticipated would be finalized in FY 2011/12.

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

10. APPROVE AMENDED AND RESTATED AGREEMENT WITH NEXTBUS FOR REAL TIME FERRY INFORMATION SYSTEM

Ms. Rannells presented this item requesting the Board approve an amended and restated Agreement #11-003 with NextBus for the provision of real time ferry information systems and authorize the Executive Director to execute the agreement in an amount not to exceed \$140,000.

Director Bellows asked if the equipment was owned or leased. Mr. Sindzinski replied that WETA owned the equipment on the boats and at the terminals and that there was no change to the operating expense for the NextBus service.

Director Johnson asked if the service was available online. Ms. Rannells replied that it was available on the WETA and NextBus websites and that there were also applications available for mobile devices.

Vice Chair Intintoli referred back to the issue of naming the new ferry service and asked that staff make certain sufficient rider outreach was performed to direct interested parties to the poll and name suggestion form on the website. Mr. Sanchez stated that flyers were available onboard the Alameda/Oakland, Harbor Bay and Baylink boats and at the terminals and that captains had incorporated the information into their onboard announcements as well.

Director Johnson passed along a recommendation she had received for *Piedmont*, a historic Bay Area ferry.

Ms. Rannells clarified the NextBus agreement under consideration was for the entire system and not for a specific boat.

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

11. ADOPT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CENTRAL BAY OPERATIONS AND MAINTENANCE FACILITY PROJECT

Planner/Analyst Chad Mason presented this item recommending the Board adopt a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Central Bay Operations and Maintenance Facility Project.

Director Bellows asked if the tidal floodwall berm was for projected sea level rise or for some other purpose. Mr. Mason said that he believed it was prescriptive. Mr. Sindzinski agreed that projected sea level rise was the most likely reason for the berm but said he would confirm.

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

12. APPROVE TERM SHEET FOR THE TRANSFER OF PORT OF OAKLAND FERRY SERVICE ASSETS AND PROVISION OF LANDING AND MOORING RIGHTS AT THE OAKLAND CLAY STREET FERRY TERMINAL AND AUTHORIZE RELATED ACTIONS

Ms. Rannells presented this item requesting the Board approve a Term Sheet between the Port of Oakland and the WETA for the transfer of the Port of Oakland's interest in certain ferry vessels and waterside facilities used in the Alameda/Oakland Ferry Service and provision of landing and mooring rights at the Oakland Clay Street Ferry Terminal and to authorize the Executive Director to: i) negotiate a Ferry Asset Transfer and Landing and Mooring Rights Agreement between the Port and Authority that reflects the terms and conditions of the Term Sheet described herein, ii) make such modifications to the terms and conditions of the Term Sheet as are necessary and appropriate, iii) execute the final form of the Agreement, and iv) take all other steps and execute all other documents as are necessary to execute and implement the terms of the Agreement.

Mr. Sanchez then offered a brief overview of the landside and waterside assets, specifically noting the Oakland Clay St. terminal which would be assigned to WETA after WETA completed a procurement and installation of a replacement float.

Director Johnson asked if this was the same process used for the transfer of City of Alameda assets. Ms. Rannells replied that it was the same concept.

Director Bellows asked what the timeline was for the float replacement. Mr. Sanchez said that the float would need to be replaced within the year. Director Bellows then asked Mr. Sanchez to confirm that 5:30 to 7:30 a.m. were the hours that WETA would require a parking garage attendant and pay a fee to the Port for, not 6:00 to 7:30 a.m. as stated in the term sheet. Mr. Sanchez said that 5:30 a.m. was the correct start time as the garage needed to be open at that time to accommodate passengers on the first run.

Chair Johnson asked if anyone received funding from the Port of Oakland. Ms. Rannells replied that the City of Alameda had received a small amount, but that WETA would not, adding that WETA would be receiving the vessels.

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

13. HOVERCRAFT FEASIBILITY STUDY REPORT AND DISCUSSION

Mr. Sindzinski presented this informational item regarding a feasibility study examining the advantages and disadvantages of hovercraft as an alternative vessel technology for ferry services such as the proposed Hercules service. He introduced Ian Austin of URS Corporation who gave an overview of the findings and volunteered to answer questions.

Vice Chair Intintoli asked if it was true that hovercraft would not meet ADA requirements. Mr. Sindzinski said that the hovercraft themselves could; it was the incompatibility with existing terminals that would create a problem in this regard.

Vice Chair Intintoli then asked if hovercraft would have sufficient capacity for the routes for which they would be considered. Mr. Sindzinski replied that the projected 160 to 199 hovercraft capacity could work during the initial years of the service but that there could be potential issues if the service grew more successful. Ms. Rannells added that even now there were issues with WETA's 149 and 199 capacity vessels in service to Alameda and Oakland. She noted that like high speed rail, the idea of using hovercraft was an exciting one and that it was important to be aware of the possibility.

Director Johnson commented that hovercraft may be a good idea but asked if any recent surveys had been done regarding potential ridership, noting that Hercules to San Francisco was a long ride. Mr. Sindzinski replied that updated ridership studies were currently underway.

Director Bellows asked when the updated ridership studies would be completed and also asked what impact tides and currents near the Hercules terminal site would have on hovercraft transit times. Mr. Sindzinski said that the updated ridership studies should be completed within the next few weeks and that tides and currents would have virtually no effect on the hovercraft speed.

Director Bellows asked if hovercraft could not settle on water. Mr. Austin said that they could stabilize in place but that they always remained above the water when in service. Mr. Bellows asked if Antioch and Martinez rail connections were being considered as they relate to potential ferry services. Mr. Sindzinski said that they were included elements in the ridership forecasts.

Public Comment

Paul Kamen, Naval Architect, said that it was not true that wind speed did not affect hovercraft speed. He added that there were other solutions for dealing with shallow water, stating that a monohull could operate in two feet of water and that WETA might want to consider such a possibility as well.

Public Comment

Michael Bernick, representing Hercules as well as Antioch and Martinez, said that this was a key project for WETA and important to Hercules, adding that he was glad that WETA was looking at all the possibilities. He said that he hoped WETA would continue to consider the feasibility of hovercraft.

14. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Vice Chair Intintoli called the meeting into closed session at 2:20 p.m. Upon reopening of the meeting at 2:57 p.m. he reported that no action had been taken.

15. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:57 p.m.

Respectfully Submitted,

Board Secretary
