

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY
MINUTES OF THE BOARD OF DIRECTORS MEETING

(January 12, 2017)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the Port of San Francisco, Pier 1 in San Francisco, CA.

1. CALL TO ORDER – BOARD CHAIR

Chair Jody Breckenridge called the meeting to order at 1:01 p.m.

2. ROLL CALL

Chair Breckenridge, Director Timothy Donovan, and Director Anthony Intintoli were in attendance.

3. REPORT OF BOARD CHAIR

No report from Board Chair.

4. REPORTS OF DIRECTORS

No reports from Directors.

5. REPORTS OF STAFF

Executive Director Nina Rannells shared her written report with Directors and welcomed questions. She said she and Chair Breckenridge had met with Assemblymembers David Chiu and Jim Frazier in Sacramento. Ms. Rannells said she also met with Senators Nancy Skinner and Scott Wiener during the same trip. She reported that all of the meetings had been positive and added that she would be following up with Directors in the coming weeks to arrange for their participation in additional meetings.

Operations Manager Keith Stahnke provided an overview of service operations for the first few weeks of the new year which included a BART transbay commute period service disruption and several strong storm events that caused some WETA ferry service disruptions and cancellations.

Vice Chair James Wunderman joined the meeting at 1:09 p.m.

6. CONSENT CALENDAR

There was Board consensus to vote on the Consent Calendar as a whole rather than voting on each item individually.

Director Intintoli made a motion to approve the consent calendar which included:

- a. Board Meeting Minutes – December 8, 2016
- b. Authorize Filing Applications for FY 2016/17 through FY 2019/20 Federal Transit Administration Formula Program Funds to Support Various Capital Projects
- c. Authorize Filing an Application with the Metropolitan Transportation Commission for Regional Measure 2 Capital Funds to Support the Downtown San Francisco Ferry Terminal Expansion Project
- d. Authorize Release of a Request for Proposals for the MV *Taurus* Quarter-Life Refurbishment Project

PUBLIC COMMENT

President of Tideline Marine Group Nathan Nayman said he did not see the question he asked at the December meeting regarding a vessel that was being relocated to San Diego for some work reflected in the December meeting minutes.

Chair Breckenridge asked that the December Board Meeting minutes be amended to include Mr. Nayman's question. Ms. Rannells said the update he had requested could be found in the January Executive Director's Report included in the current Board packet and presented earlier in the meeting. Chair Breckenridge asked Mr. Nayman to advise at the end of the meeting, during the Open Time for Public Comments for Non-Agenda Items, if he required further information after reading the update.

Director Donovan seconded the motion to approve the consent calendar with the amendment to the December minutes and the item carried unanimously.

Yeas: Breckenridge, Donovan, Intintoli, Wunderman. Nays: None. Absent: DelBono.

7. AWARD CONSTRUCTION MANAGER AT RISK CONTRACT FOR PHASE ONE WORK TO POWER ENGINEERING CONSTRUCTION FOR THE DOWNTOWN SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT

Senior Planner Mike Gougherty presented this item to award a Construction Manager at Risk contract for Phase One work to Power Engineering Construction for the Downtown San Francisco Ferry Terminal Expansion Project. Mr. Gougherty provided a history and overview of the project, the bid solicitation process, the bidders' responsiveness, and the evaluation committee's scoring and final recommendation processes. He said the evaluation committee recommendation decision had been unanimous.

The Board discussed concerns that the Power Engineering Construction price was \$2 million more than one of the other bidder's proposals. Directors also discussed the risk and ultimate costs for this sensitive project and its tight in-water construction timelines.

PUBLIC COMMENT

Harry Stewart, Mike Edde and Molly Jacobson from The Dutra Group spoke in opposition to the award recommendation and requested that the contract be awarded instead to The Dutra Group because their price was \$2 million less than the Power Engineering Construction price and they were equally qualified. During their comments, they referred to letters of support which reiterated their requests that the Board had received from members of the public via email.

Veronica Sanchez said that she and her colleagues at Masters, Mates & Pilots and at Westar Marine Services were strongly in favor of the staff award recommendation.

Director Intintoli said he shared the concerns about the \$2 million difference in price, but that he also respected the process that the Board had approved which had been undertaken by the evaluation committee. He then made a motion to approve the recommended award. No second was offered.

It was suggested that the Board discuss the item further in a closed session or defer the item to the February meeting to provide time for further discussions prior to the award. Board legal counsel Danielle Gensch emphasized that the scoring had been conducted in confidential deliberations per WETA's administrative code.

Vice Chair Wunderman made a motion to move the discussion about the item into closed session later in the agenda with Ms. Gensch's assent. Ms. Gensch said a short recess would allow her to confirm that a closed session to discuss the scoring of the bids was permissible. The Board said a short recess

would also allow them to further review the comments they had received from the public about the award recommendation.

The Board recessed the meeting from 2:18 p.m. to 2:25 p.m. Upon reconvening, Ms. Gensch explained that the scoring sheets were subject to confidentiality obligations and part of the deliberative process privilege. She said it was permissible for the Board to go into closed session to review the scoring sheets and that no redactions were required to support that process. Chair Breckenridge and Ms. Gensch clarified that the Board did not have the authority to award the contract to Dutra but that they did have the option to reject the award recommendation and direct staff to go out to bid again for the project or to defer a vote on the award with a consensus on a clear objective for doing so. It was understood that starting the procurement over would create considerable project delays.

Director Donovan made a motion to re-order the agenda. The Board agreed to move the discussion about Item 7 into closed session and to re-order the remaining agenda items to allow meeting attendees to hear their items and comment prior to convening into closed session. Item 8 was deferred until after the closed session due to its relationship to Item 7 and Items 9, 10 and 12 were moved up in the agenda. Director Intintoli seconded the motion and the agenda was reordered to support the closed session for Agenda Item 7.

8. APPROVE ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE PORT OF SAN FRANCISCO FOR THE DEVELOPMENT OF A MISSION BAY FERRY LANDING

Planning & Development Manager Kevin Connolly presented this item to approve entering into a Memorandum of Understanding (MOU) with the Port of San Francisco for the development of a Mission Bay Ferry Landing Project. Mr. Connolly explained that this MOU was for the first phase of the project which included planning, design, entitlement and funding. He said the Port of San Francisco was the lead on the project and the Port Commission had already approved the MOU.

Director Intintoli made a motion to approve the item.

Director Donovan seconded the motion and the item carried unanimously.

Yeas: Breckenridge, Donovan, Intintoli, Wunderman. Nays: None. Absent: DeIBono.

9. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Matt Hochstetler addressed the Board regarding his experience with the Tiburon ferry service operated by Blue & Gold and expressed frustration about delays and service interruptions he and other commuters have been experiencing during the transition of the Tiburon service from Blue & Gold Fleet to Golden Gate Ferry. He presented a petition to WETA Directors, signed by 165 Tiburon commuters, asking that staff review vessel activity to find WETA vessels to loan to Blue & Gold Fleet to make their Tiburon commute service more reliable and efficient. Mr. Hochstetler said he had been told the service would transfer to Golden Gate Ferry by the end of January but was not confident that this would happen.

Ms. Rannells said that she understood that the Golden Gate Bridge, Highway and Transportation District Board was scheduled to vote on the service transfer on January 27. The Board asked that staff review the WETA vessel schedule to see if there were any vessels that could be loaned to Blue & Gold Fleet during commute periods to improve the Tiburon service until the transfer to Golden Gate Ferry takes place. Ms. Rannells clarified that when Blue & Gold Fleet had the large capacity boat, the MV *Zelinsky*, it had been common for WETA to swap one of their smaller capacity vessels with it to be used by Blue & Gold Fleet for their Tiburon service. She noted that Blue & Gold Fleet sold the MV *Zelinsky* and it is therefore no longer available to swap with WETA vessels.

Graham Pugh from Amtrak San Joaquin, operated by the San Joaquin Joint Powers of Authority, said Amtrak would like to partner with WETA to increase transit options for travelers. He said this could be done by improving wayfinding at stations and terminals and collaborating on collateral.

10. CLOSED SESSION

To continue their earlier discussion about Item 7 as agreed, the Board went into closed session at 2:44 p.m. and returned at 3:40 p.m. The Board reported that no action had been taken during the closed session.

Director Intintoli made a motion to approve the award to Power Engineering Construction for the Downtown San Francisco Ferry Terminal Expansion Project.

Vice Chair Wunderman seconded the motion and the item carried unanimously.

Yeas: Breckenridge, Donovan, Intintoli, Wunderman. Nays: None. Absent: DelBono.

11. APPROVE AMENDMENT NO. 4 TO AGREEMENT WITH ROMA DESIGN GROUP FOR DESIGN AND ENGINEERING SERVICES FOR THE DOWNTOWN SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT

Mr. Gougherty presented this item to approve an Amendment to Agreement 10-005 with Roma Design Group for design and engineering services for the downtown San Francisco Ferry Terminal Expansion Project.

Director Intintoli made a motion to approve the item.

Director Donovan seconded the motion and the item carried.

Vice Chair Wunderman said he would abstain from voting on the item because Roma Design Group was a member of the Bay Area Council.

Yeas: Breckenridge, Donovan, Intintoli. Nays: None. Abstain: Wunderman. Absent: DelBono.

All business having been concluded, the meeting was adjourned at 3:44 p.m.

Respectfully Submitted,
Board Secretary