

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

*(June 19, 2014)*

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**

Acting Chair Anthony Intintoli called the meeting to order at 1:00 p.m. Other directors present were Director Jeff DelBono and Director Timothy Donovan. Director Donovan led the pledge of allegiance.

**2. REPORT OF BOARD CHAIR**

No report.

**3. REPORT OF DIRECTORS**

No report.

**4. REPORTS OF STAFF**

Executive Director Nina Rannells referred the Board to the Federal Legislative Report, noting that Assembly Bill 935 had been amended on June 9 to be used for another purpose.

Ms. Rannells then introduced intern Nikol Eddy, a student at the California Maritime Academy, adding that she had been assisting Manager of Public Information and Marketing Ernest Sanchez on the BayAlerts customer notification system as well as assisting at Blue & Gold Fleet.

Chair Intintoli asked several questions regarding the Executive Director's report. He first asked about the funding for vessel replacement as it related to funding available. Ms. Rannells said that existing vessels were eligible for replacement through MTC's capital priority process for 80% funding from FTA. She said that the *Encinal* and *Harbor Bay Express II*, which Chair Intintoli referred to, were eligible for this funding and that Manager of Finance and Grants Lynne Yu and Administrative/Policy Analyst Lauren Gulate were engaged in this process with MTC. Ms. Rannells added that depending on the city that the vessels serve, some may also be eligible for local transportation sales tax funding to support local match to the federal funds.

Chair Intintoli then asked if the amount of Proposition 1B funding was limited for vessel replacement. Ms. Rannells said that it depended on the individual project and that some Proposition 1B money was allocated to vessel replacement or match as well as Regional Measure 2 funding but that the funding picture depended on the individual project and the timing as well as whether it was for vessel replacement or for new construction.

Chair Intintoli suggested that he would like a more thorough overview of WETA's funding picture and that the topic may be appropriate for a Board retreat. Ms. Rannells agreed.

Chair Intintoli asked a question regarding the "30% Plans, Specifications, and Engineering" noted in the report regarding the Central Bay Operations and Maintenance Facility. Ms. Rannells noted that this was a customary benchmark of progress for such projects.

Chair Intintoli then noted a line in the Richmond Ferry Service item in the report referencing an MOU identifying capital and operations funding. He asked if such a funding plan would be in place before WETA committed funding to the project. Ms. Rannells confirmed and noted that staff was working on a

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funding plan and agreement for Richmond service, as previously directed by the Board. She added that staff had met with the Richmond City Manager as well as councilmember Tom Butt the previous week to discuss next steps for project funding. She noted that there was considerable work to be done on project funding including securing capital funding through MTC as well as an operations funding commitment from the Contra Costa Transportation Authority (CCTA). Ms. Rannells said that the first step would be development of an MOU/agreement that would outline each stakeholder's responsibility and expectations in order to make sure that all parties fully understood the commitment required to successfully move this project forward.

Manager of Planning and Development Kevin Connolly added that the CCTA's Board had released its White Paper the prior night which detailed the four Contra Costa ferry projects and the projects' feasibility. Mr. Connolly said that the White Paper concluded that the Richmond project was the only viable Contra Costa service in the near-term but the possibility of future development of ferry service in the other locations was left open.

Chair Intintoli asked what "bifurcated service" meant regarding the City of Alameda ferry services. Mr. Connolly replied that staff was studying different options for the Alameda service in the event that a new terminal is built at Seaplane Lagoon as a part of the development of Alameda Point. Mr. Connolly noted that the Alameda Main St and Oakland services were connected or "interlined" at present but that interlining will not be possible in the event that the Main St terminal is closed when the Seaplane Lagoon terminal is built. One option would be to split, or "bifurcate" the Alameda/Oakland service into two services; one serving Clay Street in Oakland and one serving Seaplane Lagoon. Mr. Connolly noted that there were eight different scenarios regarding how the terminals could be served and that these had recently been discussed at a meeting with staff from the cities of Alameda and Oakland, the Port of Oakland and the Alameda County Transportation Commission. He added that the conversation would continue over the next four to eight months.

Ms. Rannells added that the term "bifurcated" was originally used in the Transition Agreement between the City of Alameda and WETA which obligated WETA to look at various service options in the event Seaplane Lagoon was developed.

Director DelBono asked what the status was with parking in Alameda and Harbor Bay, noting that he continued to receive comments from the public regarding parking challenges.

Ms. Rannells replied that a terminal Access Study was underway. Mr. Connolly said that rider surveys had continued over the prior three weeks and that two more Access Study public workshops were scheduled for the next week to receive input regarding potential solutions to the parking challenges at both terminals. He added that he anticipated a response from the City regarding parking in the area near the Main St. terminal soon.

Chair Intintoli asked if a parking structure similar to the one in Vallejo was practical in Alameda. Mr. Connolly said that the City would be unwilling to invest in a structure at the Main St. terminal as it hoped to move the terminal to Seaplane Lagoon. He added that additional parking at Harbor Bay was uncertain.

Director Intintoli asked if there was a concern regarding farebox recovery being reported at less than 40%. Ms. Rannells noted that that number was an average of all the services and that the services had differing criteria. For example, she noted that MTC required that the South San Francisco service meet 40% after three years but that the all-day Alameda/Oakland and Vallejo services were only required to meet 30%. She pointed out that the system-wide average was 38% and that May was at 111% of budget for the year as a result of both the BART strikes and the overall increases in ridership.

Chair Intintoli noted that the total reported FY 2013/14 budget amount had increased in the monthly report through May and asked what had changed from the prior month. Ms. Yu replied that the change

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reflected the Board action the prior month to increase the capital budget for the East Bay Ferry Terminals Refurbishment project.

#### **5. CONSENT CALENDAR**

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

- 1) The Board of Directors meeting minutes of May 8, 2014
- 2) Approve Amendment to Agreement with the Association of Bay Area Governments for the Provision of Accounting Support Services
- 3) Approve Amendment to Agreement with Solano County Transit for the Provision of Bus and Ticketing Services
- 4) Approve Purchase of Commercial Insurance Policies

Chair Intintoli asked if there had been any changes to insurance costs. Manager of Operations Keith Stahnke replied that there had been no change to marine insurance. Manager of Administration and Business Services Melanie Jann said that there were only slight increases to non-marine insurance. Ms. Rannells stated that the largest insurance increases for the FY 2014/15 year had been vessel insurance which was purchased through Blue & Gold Fleet and that this was noted in the budget discussion.

Chair Intintoli asked if, in the event that ferry service to a Giants game sold out, if WETA should hire buses. Mr. Sanchez responded that sold out games were a testament to the success of the online sales system, noting that the customers appreciated guaranteed seats and that games were typically selling out three or four days in advance and that it was terrific.

Chair Intintoli asked if there would be a financial benefit to having a second boat or additional buses. Ms. Rannells noted that the Giants ferries were priced to cover costs and that there would be a financial risk to adding a second vessel if there wasn't enough demand to fill the boat. Chair Intintoli asked if a bus would be practical. Ms. Rannells suggested that riders buying a ferry ticket may be unsatisfied with riding a bus. Chair Intintoli noted that the Giants ferry was a great marketing tool.

Director Donovan seconded the motion and the consent calendar carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

#### **6. APPROVE AMENDMENT TO AGREEMENT WITH FAST FERRY MANAGEMENT, INC. FOR THE PROVISION OF MARINE SERVICES**

Ms. Rannells presented this item requesting Board approval of Amendment No. 6 to the agreement with Fast Ferry Management, Inc. for the provision of marine services in FY 2014/15 for a not to exceed amount of \$260,000 and to authorize the Executive Director to execute the amendment.

Chair Intintoli asked if it could be clarified in the resolution that the contract be for a "not to exceed" amount. He also said that he appreciated Fast Ferry Management's reports as prepared by Marty Robbins and that he would like to see a similar report for all the services. Ms. Rannells noted that Administrative Analyst Scott Houston was working on a report format for all services that would be provided in the near future.

Director Donovan asked if Mr. Robbins would be interested in providing such reports for all the services. Ms. Rannells said that he would be a part of the conversation regarding what the new report format would include.

Director Donovan made a motion to approve the item. Director DelBono seconded the motion and the item carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

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**7. APPROVE AMENDMENT TO AGREEMENT WITH NOSSAMAN LLP FOR THE PROVISION OF LEGAL SERVICES**

Ms. Rannells presented this item requesting that the Board approve Amendment No. 18 to the agreement with Nossaman LLP in the amount of \$550,000 for the provision of legal services for FY 2014/15 and authorize the Executive Director to execute the amendment.

Chair Intintoli asked again if it could be clarified in the resolution that the contract be for a “not to exceed” amount and that this language be included in all applicable resolutions.

Director DelBono said that it was his understanding from prior discussion that RFPs were to be issued for these annual contracts included in the current agenda. Ms. Rannells said that the prior item was to authorize her to negotiate the contracts at hand and that her intent was that should the Board want to issue RFPs on any of these contracts that staff be told early in the year with enough time to go out to bid and be in a position to award new contracts in June. She added that, should the Board want staff to go out to bid for these services in the next fiscal year, FY 2015/16, it would be helpful to know this now.

Director DelBono said that he recalled differently and that his understanding was that the intent was to authorize WETA to go out to bid on these agreements and that additional information on the status and performance on these contracts would come back to the Board. Director Donovan agreed. Ms. Rannells said that the current items included background on each of the contracts and work.

Director DelBono made a motion to approve the item with Chair Intintoli’s change. Director Donovan seconded the motion and the item carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

**8. APPROVE AMENDMENT TO AGREEMENT WITH NEMATODE MEDIA, LLC (DBA BAY CROSSINGS) FOR ADVERTISING IN BAY CROSSINGS AND OTHER SERVICES**

Ms. Rannells presented this item requesting Board approval of Amendment No. 6 to the agreement with Nematode Media, LLC (DBA Bay Crossings) in the amount of \$48,000 for advertising in *Bay Crossings* and other public information/marketing services and authorize the Executive Director to execute the amendment.

Vice Chair Intintoli asked if this was for a fixed amount. Ms. Rannells said that it was. Ms. Rannells stated that she felt it was a great value as Bay Crossings provided the only outlet for information and ticket sales in the Ferry Building.

Vice Chair Intintoli noted that the Route 200 bus was not included on the ferry flap sign in the Ferry Building and that it was confusing to riders who were trying to get back to Vallejo. Ms. Rannells said she was not aware of this and Mr. Stahnke said that he would approach MTC regarding this issue.

Director Donovan made a motion to approve the item. Director DelBono seconded the motion and the item carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

**9. ADOPT THE 2014 LEGISLATIVE PROGRAM**

Ms. Gularte presented this item requesting that the Board approve, by motion, the legislative program for 2014.

**Public Comment**

Veronica Sanchez of Masters, Mates & Pilots thanked WETA for acknowledging MMP’s work in securing \$3 million in grant funding for the Central Bay Operations & Maintenance Facility noting that it

was a great example of cooperation. She asked that WETA continue to include unions, municipalities and stakeholders in the funding process adding that it was especially important now as the City of San Francisco was not currently as engaged with maritime concerns as they could be.

Chair Intintoli agreed and added that more personal outreach by the Board would be desirable on both a state and federal level. Director DelBono said that he would like to be involved with outreach and developing a strategy adding that he would like to discuss this topic more at a Board retreat. Ms. Rannells said that she was currently working on such an outreach program and would be bringing it back to the Board. She said that the federal side was well organized but that more action was needed on the state side. Vice Chair Intintoli said that such a conversation was rendered more challenging without a full Board. He recommended scheduling a retreat for the next month and advising the Governor's Office that continuing to move forward without Board appointments would impair progress in this realm. Ms. Rannells agreed and said that she would proceed with this plan.

Director DelBono made a motion to approve the item. Director Donovan seconded the motion and the item carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

**10. APPROVE AMENDMENT TO AGREEMENT WITH LINDSAY HART, LLP FOR THE PROVISION OF FEDERAL LEGISLATIVE REPRESENTATION**

Ms. Rannells presented this item requesting that the Board approve Amendment No. 13 to the agreement with Lindsay Hart, LLP in the amount of \$125,000 for the provision of federal legislative representation for FY 2014/15 and authorize the Executive Director to execute the amendment. She noted a change over prior years in that this agreement provided a fixed fee and expense contract.

Director DelBono noted his lobbying efforts in Washington on behalf of WETA with Mr. Friedmann's office, indicating that it was obvious that the firm was effective and well regarded.

Director Donovan made a motion to approve the item. Director DelBono seconded the motion and the item carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

**11. APPROVE AMENDMENT TO AGREEMENT WITH BROAD & GUSMAN, LLP FOR THE PROVISION OF STATE LEGISLATIVE REPRESENTATION**

Ms. Rannells presented this item requesting that the Board approve Amendment No. 4 to the agreement with Broad & Gusman, LLP in the amount of \$66,000 for the provision of state legislative representation in FY 2014/15 and authorize the Executive Director to execute the amendment. She added that she would soon be meeting with Mr. Broad and Mr. Perata to ensure that their efforts were coordinated.

Chair Intintoli said that he would like Mr. Broad to present reports to the Board on a quarterly basis at a minimum.

Director DelBono asked how many hours the firm was working for WETA and if their services were required. Ms. Rannells replied that Mr. Broad had been available and effective whenever his work had been needed. Chair Intintoli added that Mr. Broad was well regarded and had delivered in the past but that WETA had not taken full advantage of his services.

Director Donovan made a motion to approve the item. Director DelBono seconded the motion and the item carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

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## **12. AUTHORIZE RELEASE OF A REQUEST FOR QUALIFICATIONS FOR TECHNICAL AND CONSTRUCTION MANAGEMENT SERVICES FOR VALLEJO DREDGING PROJECT**

Mr. Stahnke presented this item requesting that the Board authorize the release of a Request for Qualifications for Technical and Construction Management services for the 2015 Vallejo dredging project.

Chair Intintoli asked if dredging would be required on the Mare Island side as well as by the terminal. Mr. Stahnke said that it would not be.

Director Donovan asked if the contract would be brought back to the Board for award. Mr. Stahnke said that it would be.

Director DelBono made a motion to approve the item. Director Donovan seconded the motion and the item carried unanimously.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

## **13. SUMMARY OF EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES**

Mr. Stahnke delivered an informational item to the Board regarding emergency preparedness and response activities.

Chair Intintoli noted that it was a challenge to balance emergency response with operations and that adequate funding to support operations was key to existing as a viable service. He added that securing adequate funding before expanding with new services was essential and that everything that WETA does to build and maintain ferry facilities and assets serves to support having these available to serve in an emergency response capacity.

Director DelBono emphasized the importance of being prepared and asked if WETA should hire dedicated emergency staff. He added that he did not think WETA's role was well-defined by the state. Ms. Rannells replied that when WETA developed its original emergency management plan, as directed by the State Legislature, staff worked extensively with OES, the Coast Guard and other entities to define WETA's role and temper expectations with what WETA can realistically deliver.

Chair Intintoli noted that the plan was now five years old and should be reviewed. Director DelBono indicated that he understood the challenge of managing expectations and suggested that it might be helpful to engage the services of a professional with an emergency response background to assist.

### **Public Comment**

Jerry Bellows of the Maritime Administration noted that as a participant in many exercises with the Maritime Administration and Cal OES that he was aware of the limitations and that this item showed what WETA can, and is prepared, to do to support the regional response in an emergency.

### **Public Comment**

Ms. Sanchez added that she would like to see the development of ID cards that could help crew gain access similar to first responders adding that this kind of credentialing could be legislatively mandated. She also suggested that WETA acquire additional boats in an emergency and coordinate this with other operators. Ms. Sanchez noted significant expectations from the public, but her experience indicated that the Port of San Francisco would not clear terminal facilities for opening for at least 24 hours after a catastrophic event and noted that people needed to know this and make backup plans.

## **1. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION**

Director Intintoli called the meeting into closed session at 2:11 p.m. Upon reopening of the meeting at 3:00 p.m., Director DelBono made a motion to authorize the Executive Director to negotiate and enter

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into a settlement agreement with Bay Ship & Yacht for relocation of the Alameda Main Street Float and other related work. Director Donovan seconded the motion.

Yeas: DelBono, Donovan, Intintoli. Nays: None.

**2. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 3:05 p.m.

Respectfully Submitted,

Board Secretary

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