

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

(December 12, 2013)

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

Chair Charlene Haught Johnson called the meeting to order at 3:03 p.m. Directors present were Vice Chair Anthony Intintoli, Director Gerald Bellows, Director Jeffrey DelBono and Director Timothy Donovan. Vice Chair Anthony Intintoli led the pledge of allegiance.

2. REPORT OF BOARD CHAIR

No report.

3. REPORT OF DIRECTORS

Director DelBono reported on a meeting with WETA staff and US Secretary of Transportation Anthony Foxx hosted during a ferry transit between San Francisco and Oakland on November 15. He noted that Director Bellows also participated along with a number of union representatives and local agencies such as MTC, the Port of Oakland, and the City of Alameda. Director DelBono then wished Vice Chair Intintoli a happy birthday.

4. REPORTS OF STAFF

Executive Director Nina Rannells referred the Board to her written report and offered to address any questions.

Director Bellows asked for an update regarding the CEQA Initial Study/Mitigated Negative Declaration for Richmond which had been anticipated for completion in late 2013. Senior Planner Chad Mason said that he now anticipated publication in early 2014. Manager of Planning and Development Kevin Connolly reported that staff was working with the City of Richmond to move the process forward and that he would bring a full update on the Richmond project to the Board in early 2014.

Chair Johnson remarked on the clarity and helpfulness of Ms. Rannells' monthly Executive Director's reports. Ms. Rannells replied that they were a staff effort. Vice Chair Intintoli asked if the reports were available online at watertransit.org. Ms. Rannells said that they were published along with the full agenda packets for each meeting.

Ms. Rannells then introduced WETA federal legislative representatives Peter Friedmann and Ray Bucheger of Lindsay Hart, LLP who delivered a federal legislative and funding update, reviewing the challenges of securing funding for WETA in the post-earmark Congress. They reviewed the recent WETA meeting with Secretary Foxx as well as their work on the Ferry Discretionary Program and the success of the recent letter writing campaign by WETA's local city and agency supporters, noting the importance of WETA's visibility with key members of Congress. Mr. Friedmann and Mr. Bucheger outlined an objective of continuing to advocate for grant formulas more favorable to WETA and looking for opportunities to build relationships.

Chair Johnson asked when the \$3 million would be available to WETA for the Central Bay Operations and Maintenance Facility. Mr. Friedmann said that an award would be announced in the first quarter of 2014 and that there would be an additional round of grant funding applications in the summer. He

noted the completeness of the application submitted by Manager of Finance and Grants Lynne Yu and said that he would be surprised if the \$3 million did not come through for WETA. Vice Chair Intintoli agreed regarding the consistent quality Ms. Yu's work.

Director Bellows added that he had recently spoken with Congressman McNerney at a union holiday party and that he had indicated his support of WETA's mission. Director Bellows also noted that he had spoken with Manager of Operations Keith Stahnke at a recent tabletop exercise regarding the potential use of the MARAD's Ready Reserve as fueling vessels in the event of a regional emergency, citing the fleet's work during Hurricane Katrina. He suggested that this possibility be examined more closely, and if it was determined to be practical that WETA consider acquiring the hoses required for compatibility.

5. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the consent calendar which included the following items:

- a. Board of Directors meeting minutes of November 7, 2013
- b. Independent Auditor's Annual Financial Reports for the Fiscal Year 2012/13, as revised.

Director Bellows seconded the motion as amended and the consent calendar carried unanimously.

Yeas: Haught Johnson, Intintoli, Bellows, DelBono, Donovan. Nays: None.

6. DISCUSSION REGARDING ADDITIONAL PROGRAM SUPPORT SERVICES

Ms. Rannells presented this item for discussion regarding WETA's program support services. She noted that the item was intended to provide a mechanism for the Board to discuss the scope of any additional services desired, to consider how such services may be integrated with current state or federal lobbying services/contracts, and to provide staff with direction on how to proceed with the matter.

Vice Chair Intintoli stated that it was essential for WETA to prioritize the integrity of existing services over expansion, and that any new services would need to have clearly identified funding sources in place to be viable. He emphasized that it would be essential for any effort to develop funding and support for new services should work in concert with efforts to support existing services.

Director DelBono noted that someone with local involvement and awareness such as former California Senate President pro tempore Don Perata would be a good candidate. He noted that while WETA's federal legislative representatives appeared to offer a strong return on WETA's investment that the state legislative representative was not consistently returning phone calls. Vice Chair Intintoli suggested that both local and state support might be practical if coordinated.

Vice Chair Intintoli suggested that the most appropriate way to proceed with this matter would be for Ms. Rannells to develop a work scope for Board consideration. Director DelBono suggested that regional emergency response be incorporated in the scope.

7. APPROVE CONTRACT AWARD TO AURORA MARINE DESIGN FOR VESSEL CONSTRUCTION MANAGEMENT SERVICES

Ms. Rannells presented this item recommending Board approval of a contract award to Aurora Marine Design for vessel construction management services in an amount of \$1,420,000, and to authorize the Executive Director to negotiate and execute a final contract and to take any other such related actions to support this work.

Public Comment

Charlie Walther of Walther Engineering Services noted his past work with WETA and his experiences with Aurora Marine Design and President Shaun Green, stating that he could not think of a better choice for WETA to move forward with for construction management services.

Director Donovan asked if it was a union firm. Evaluation panel participant Marty Robbins of Fast Ferry Management replied that none of the firms who had responded to the RFP were union.

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

Yeas: Haught Johnson, Intintoli, Bellows, DelBono, Donovan. Nays: None.

8. PROJECT UPDATE FOR THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY

Mr. Mason delivered an informational presentation to the Board regarding the North Bay Operations and Maintenance Facility.

9. APPROVE AMENDMENT TO AGREEMENT WITH GHD FOR ENGINEERING, CONSTRUCTION AND PERMITTING SUPPORT SERVICES FOR THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY

Mr. Mason presented this item requesting Board approval of an Amendment No. 1 to Agreement #12-017 with GHD Inc. in the amount of \$450,000 to provide engineering, construction, and permitting support services for the North Bay Operations and Maintenance Facility and to authorize the Executive Director to execute the amendment. He noted that GHD's services were essential to the project as WETA had no internal engineering resources.

Director Bellows asked if there was overlap in the work being done with Weston. Mr. Mason said Weston was more on the management side so there was some coordination but not any significant overlap.

Director Donovan asked if the amount of the amendment was sufficient to complete the work. Mr. Mason said that he believed it was but also stated that the construction site was a former Navy site and that the potential for unanticipated issues did exist.

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

Yeas: Haught Johnson, Intintoli, Bellows, DelBono, Donovan. Nays: None.

10. AUTHORIZE THE RELEASE OF REQUEST FOR PROPOSALS FOR THE WATERSIDE CONSTRUCTION CONTRACT FOR THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY

Mr. Mason presented this item requesting Board authorization to release a Request for Proposals for the Waterside Construction Contract for the North Bay Operations and Maintenance Facility. He noted for efficiency that it could include the construction of a movable service float as previously discussed.

Director Bellows asked if the tentative deal with the Navy was moving ahead. Mr. Mason said that an environmental assessment was required under NEPA prior to the Navy being able to execute the lease. He said that as a result in a change of project lead, the Navy would not release the assessment document until WETA had obtained a biological opinion from the US Fish & Wildlife Service regarding Delta smelt.

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

Yeas: Haught Johnson, Intintoli, Bellows, DelBono, Donovan. Nays: None.

11. APPROVE A MODEL PROJECT LABOR AGREEMENT FOR LARGE CONSTRUCTION PROJECTS

Ms. Rannells presented this item requesting Board approval of a Model Project Labor Agreement to serve as an agency template for use in developing specific project labor agreements for future large construction projects. She reviewed the history and process of developing the document, noting input from a working group which included Andreas Cluver from the Building Trades Council of Alameda County, Greg Feere from the Contra Costa Building and Construction Trades Council, Ben Espinoza from the Napa-Solano Building & Construction Trades Council and Sharon Seidenstein, legal counsel to the building trades.

Public Comment

Andreas Cluver of the Building Trades Council of Alameda County thanked the Board for considering the model PLA as well as Ms. Rannells and WETA legal counsel Stanley Taylor of Nossaman LLP for their engagement during the negotiations. He reported that it was an amicable process and that in the view of the various labor councils the PLA was a partnership with WETA. Mr. Culver stated that he felt it was a good model and that he hoped the Board would adopt it.

Director Bellows said that the adoption of the PLA would be a good Christmas present.

Director Donovan thanked all involved for their work on the document and asked for the definition of a "large project." Ms. Rannells said that it would be the North Bay Operations and Maintenance Facility, the Central Bay Operations and Maintenance Facility, the Downtown San Francisco Terminal Expansion Project, and then the Berkeley and/or Richmond terminal projects.

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

Yeas: Haught Johnson, Intintoli, Bellows, DelBono, Donovan. Nays: None.

12. APPROVE A PROJECT LABOR AGREEMENT FOR THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY PROJECT

Ms. Rannells presented this item requesting that the Board approve a Project Labor Agreement for waterside construction of the North Bay Operations and Maintenance Facility project. She noted two items not included in the model PLA from the prior item, namely a core employee provision, identifying a process for contractors to utilize their own core workforce on the project, and a payment retention provision included as an optional part of the dispute resolution process in order to facilitate expeditious closure of issues and minimize project disruption.

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

Yeas: Haught Johnson, Intintoli, Bellows, DelBono, Donovan. Nays: None.

13. ADJOURNMENT

All business having concluded, the meeting was adjourned at 4:13 p.m.

Respectfully Submitted,

Board Secretary
