

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

(January 13, 2022)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session via videoconference consistent with AB 361 as codified in Government Code Section 54953.

1. CALL TO ORDER

Chair James Wunderman called the meeting to order at 1:01 p.m. He welcomed directors, staff, and meeting guests and noted that the meeting was being recorded. He advised guests about offering public comment and how guests could sign up to speak throughout the meeting.

2. ROLL CALL

Chair James Wunderman, Vice Chair Monique Moyer, Director Jessica Alba, Director Jeffrey DelBono, and Director Anthony Intintoli were in attendance.

3. REPORT OF BOARD CHAIR

Chair Wunderman commented that the pandemic is into its second year and although the latest variant appeared to be milder, there continues to be a lot of hospitalizations and fatalities.

4. REPORTS OF DIRECTORS

Director Intintoli said that he has noticed the impact of Omicron on the Vallejo waterfront and the decrease in ridership.

Vice Chair Moyer reported that the Supreme Court blocked the Biden administration from enforcing a vaccine-or-testing mandate for large employers but allowed a more limited mandate requiring health care workers at federally funded facilities to be vaccinated. She thanked the crews and dock staff who were dealing with the public daily.

Vice Chair Moyer acknowledged and commended Public Information & Marketing Manager Thomas Hall for the fun video with Klay Thompson and the timing of Klay Day.

5. REPORTS OF STAFF

Executive Director Seamus Murphy reported that a federal district court granted the State of California's request to stay USDOL's determination that grants to the state should be withheld due to a potential conflict between California Public Employees' Pension Reform Act of 2013 (PEPRA) and Section 13c of the Urban Mass Transportation Act (UMTA) of 1964. The decision ensures that there is no immediate risk of these grants being held back. WETA will continue to monitor these proceedings.

Mr. Murphy turned it over to Government & Regulatory Affairs Manager Lauren Gularte to report on WETA's annual emergency response training for staff held on December 14 at the Central Bay Operations & Maintenance Facility to test the new emergency service planning tool, the new emergency operation's organizational structure, and staff's ability to create an emergency action plan and use Incident Command System (ICS) forms. She said that an after-action summary of recommendations was being drafted based upon feedback received. She noted that the 2020 exercise was cancelled due to COVID.

Mr. Murphy provided five written reports and discussed the hybrid in-person remote meeting that would be available beginning with the February meeting. He said that anybody can continue to participate virtually; however, masks will be required for in-person participation. He noted that going fully virtual was available if necessary.

He invited Planning & Development Manager Kevin Connolly to provide an update on ridership and recovery. Mr. Connolly said that WETA was not experiencing any increase in ridership since the holidays, which is consistent with other transit agencies, and expected that revenue and ridership for the fiscal year will be lower than anticipated.

Chair Wunderman asked Vice Chair Moyer if she was hearing anything in terms of return to work. Vice Chair Moyer stated that more companies were just not deciding to set a date; however, when it is time to return to the office, the vast majority would have a hybrid workweek.

Vice Chair Moyer asked Chief Financial Officer Erin McGrath to share how Ms. McGrath stress tested her calculations and how she went about forecasting. Ms. McGrath stated that she had not received Blue & Gold Fleet's December invoice but had planned on providing some projections at the next several Board meetings. She said that federal support was expected to last through fiscal year 2023 when the budget was prepared in June and added that projections would be updated as time passes.

6. CONSENT CALENDAR

Director DelBono made a motion to approve the consent calendar:

- a. Adopt Resolution No. 2022-01 Regarding Remote Meetings Pursuant to Assembly Bill 361
- b. Board Meeting Minutes – December 9, 2021

Chair Wunderman called for public comments on the consent calendar, and there were none.

Director Alba seconded the motion, and the consent calendar carried unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None. Absent: None.

7. APPROVE CONTRACT AWARD TO JACOBS FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE ALAMEDA MAIN STREET TERMINAL REFURBISHMENT PROJECT

Senior Planner/Project Manager Chad Mason presented this item recommending approval of the following action relative to the *Alameda Main Street Ferry Terminal Refurbishment Project* (Project):

1. Approve contract award to Jacobs of Oakland, CA for Construction Management Services for a total not-to-exceed amount of \$430,000; and,
2. Authorize the Executive Director to execute a contract with Jacobs and take any other necessary actions consistent with this action.

Mr. Mason stated that the Project will replace the pier bridge structure, gangway, and passenger float and may include other improvements that will facilitate electrification of the terminal. If approved, Jacobs will serve as the owner's representative, providing oversight and support during pre-construction, project development, project construction, and project closeout.

Mr. Mason noted that Jacobs did an excellent job serving in the same role as WETA's representative for the Downtown Ferry Terminal Expansion Project.

Director Intintoli made a motion to adopt Resolution No. 2022-02 approving this item.

Chair Wunderman called for public comments, and there were none.

Vice Chair Moyer seconded the motion, and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None. Absent: None.

8. APPROVE CONTRACT AWARD TO MANSFIELD OIL COMPANY FOR PURCHASE AND DELIVERY OF FUEL TO SUPPORT FERRY OPERATIONS

Operations & Maintenance Manager Timothy Hanners presented this item recommending approval of the following actions relative to the award of a contract for fuel and fueling services:

1. Approve contract award to Mansfield Oil Company of Gainesville, GA (Mansfield) for the purchase and delivery of diesel fuel (both ultra-low sulfur #2 diesel and renewable R-99 diesel) for North Bay and Central Bay Ferry Operations for up to three years at the estimated amount of \$36,750,000 ; and
2. Authorize the Executive Director to execute an agreement with Mansfield and take other necessary and related actions consistent with this Board action.

Mr. Hanners said that WETA was able to enter into a contract with Mansfield Oil Company by leveraging a cooperative purchasing agreement through a competitive solicitation led by the City of Fort Worth, TX. He explained that under a cooperative purchasing agreement, one agency manages the competitive procurement process for a contract and makes the procurement available to other agencies through the agreement administered by Omnia Partners.

Mr. Hanners said that Mansfield was the only supplier out of five through the agreement that was able to offer R-99 renewable diesel which will be required by the California Air Resources Board (CARB) in January 2023. He added that through the agreement Mansfield has agreed to deliveries within 24 hours and to prioritize deliveries to WETA for an emergency event.

Director Alba made a motion to adopt Resolution No. 2022-03 approving this item.

Chair Wunderman called for public comments, and there were none.

Director Intintoli seconded the motion, and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None. Absent: None.

9. APPROVE SOLE SOURCE CONTRACT AWARD TO PACIFIC POWER GROUP, LLC FOR MAIN PROPULSION ENGINE AND REDUCTION GEAR MAINTENANCE AND OVERHAUL SERVICES

Mr. Hanners presented this item recommending the following;

1. Approve the award of a Sole Source Contract to Pacific Power Group, LLC (PPG) in the amount of \$1,204,106 for main propulsion engine and reduction gear maintenance and overhaul services for the MV *Bay Breeze*, *Intintoli*, *Pyxis*, and *Vela*;
2. Establish a contract contingency in the amount of \$240,900, being approximately 20 percent of the contract amount; and
3. Authorize the Executive Director to negotiate and execute an agreement with PPG; issue change orders within the contract contingency if needed; and take any other required actions to support this work.

Mr. Hanners said that MTU engines on four WETA vessels are in need of preventative maintenance work and require an authorized MTU service dealer to provide parts, labor, materials, testing, and commissioning to preserve important factory warranties, and PPG is currently the sole factory-assigned dealership for WETA as identified by MTU. Mr. Hanners clarified that PPG holds the MTU

distributorship for the west coast for factory certified parts and that extended warranties would be impacted if this work were performed by a non-MTU service dealer.

Vice Chair Moyer requested clarifications regarding the sole source justification and warranty information. She noted that it was troubling that not one single dollar that was approved today was going to a disadvantaged business enterprise.

Director Intintoli made a motion to adopt Resolution No. 2022-04 approving this item.

Chair Wunderman called for public comments, and there were none.

Director Alba seconded the motion, and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None. Absent: None.

10. RECESS INTO CLOSED SESSION

The Directors recessed into closed session at 1:51 p.m.

- a. Public Employee Performance Evaluation; Conference with Labor Negotiator
Pursuant to Government Code Sections 54957(b)(1) and 54957.6
Title: Executive Director
Agency Designated Representatives: Jim Wunderman and Jeff DelBono

11. REPORT OF ACTIVITY IN CLOSED SESSION

Consideration of compensation adjustment for the Executive Director.

The Directors returned to open session at 3:14 p.m. Chair Wunderman reported that the Board had completed its review of Mr. Murphy and found that a salary adjustment was merited in recognition of his performance and prevailing market conditions.

Director DelBono made a motion to adopt Resolution 2022-05 as follows:

WHEREAS, the Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority engaged Seamus Murphy as Executive Director in January 2021;

WHEREAS, pursuant to the employment agreement with Mr. Murphy, the Board conducts annual reviews of Mr. Murphy's performance as Executive Director and may adjust Mr. Murphy's compensation based upon such annual evaluation;

WHEREAS, the Board has completed a review of Mr. Murphy's performance and has determined to increase his salary by a 4 percent cost-of-living adjustment (COLA) and a salary adjustment of 8 percent, for a total of 12 percent; now, therefore be it

RESOLVED, that the Board of Directors hereby approves Mr. Murphy's annual base salary as Executive Director at \$304,080, effective the first day of the next pay period after this action.

The Directors thanked Mr. Murphy and his extended team including WETA staff and the Blue & Gold Fleet family for all their hard work.

Chair Wunderman called for public comments, and there were none.

Director Intintoli seconded the motion, and the salary adjustment passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None. Absent: None

12. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

No further public comments were shared.

With all business concluded, Chair Wunderman adjourned the meeting at 3:28 p.m.

- Board Secretary

END