

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

*(May 5, 2022)*

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at WETA Central Bay Operations & Maintenance Facility at 670 W Hornet Ave, Alameda, CA and 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.

**2. ROLL CALL**

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

Chair Wunderman led the Pledge of Allegiance. He welcomed directors, staff, and meeting guests and noted that the meeting was being conducted in person and by videoconference and was being recorded. He advised guests about offering public comment and how guests could sign up to speak throughout the meeting.

**3. REPORT OF BOARD CHAIR**

Chair Wunderman recognized the passing of Norman Mineta, an American leader who served as the Mayor of San Jose, as Secretary of Commerce under President Bill Clinton, and as Secretary of Transportation under George W. Bush.

He commented that, according to Bay Area Council's most recent data, there is generally positive movement toward return to work on Tuesday, Wednesday, and Thursdays with many people working remotely on Monday and Fridays.

**4. REPORTS OF DIRECTORS**

Chair Wunderman welcomed City of Vallejo Councilmember Pippin Dew, who was recently appointed by Governor Gavin Newsom to replace Director Intintoli. Councilmember Dew introduced herself noting that she would be joining the Board in January after a longer onboarding process.

The Directors welcomed Councilmember Dew to the Board.

Vice Chair Moyer stated that she was noticing that technology workers were coming into the office mid-morning and leaving mid-afternoon on Monday, Tuesday, and Thursdays.

**5. REPORTS OF STAFF**

Executive Director Seamus Murphy asked WETA General Counsel Madeline Chun from Hanson Bridgett LLP to provide an update on the status of the Regional Measure 3 (RM3) lawsuit. Ms. Chun stated that the Zolly case that has been pending with the California Supreme Court is now scheduled for oral argument on May 24 and said that she expected to hear something about the Zolly case by the end of the summer which may suggest the direction of the RM3 litigation. She added that it was the discretion of the California Supreme Court to decide that they needed to look at the Zolly case first and then consider the RM3 litigation in response to Chair Wunderman's argument about the very different cases.

Mr. Murphy noted that a federal court had overturned the Center for Disease Control and Prevention's (CDC) mask mandate. In the absence of a California public health order, masks were no longer required on transit. He said that a few agencies were implementing agency-specific mask mandates, but that WETA would be following the guidance of public health experts, who declined to issue local or statewide orders in the wake of the court decision.

Mr. Murphy welcomed Councilmember Dew and noted the successful delivery of MV *Dorado*.

Mr. Murphy introduced Transportation Planning Intern Ossmand Ruano to provide the ridership and recovery update stating that there was an increase in April ridership in comparison to March. He noted that WETA would be adjusting its statistical comparison to the summer seasonal averages starting next month.

Mr. Murphy provided five written reports and offered to answer questions.

In response to Vice Chair Moyer, Mr. Murphy said that the Governor's free transit proposal would provide some additional subsidy based on three months of FY 2019/20 ridership fare revenue.

Operations & Maintenance Manager Timothy Hanners stated that WETA would ideally install the diesel particulate filters (DPF) during the shipyard period but that space would be allotted for the DPF for an aftermarket install if the DPF was not publicly available until after vessel delivery in response to Director Alba.

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

## **6. CONSENT CALENDAR**

Director Intintoli made a motion to approve the consent calendar:

- a. Adopt a Resolution Regarding Remote Meetings Pursuant to Assembly Bill 361
- b. Board Meeting Minutes – April 7, 2022
- c. Authorize Release of a Request for Proposal for On-Call Professional Engineering/Consulting Services to Support Ongoing System Capital, Planning, Construction Management, and Vessel Design
- d. Authorize Release of a Request for Proposal for All Electric Vessel Construction for MV *Intintoli* Replacement Vessel

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 ELLIOTT BAY DESIGN GROUP FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MV INTINTOLI REPLACEMENT VESSEL**

Engineering & Maintenance Administrator Jeffery Powell presented this item recommending approval of a contract award to Elliott Bay Design Group for construction management services for the MV *Intintoli* Replacement Project in the amount not to exceed \$1,322,355 and authorizing the Executive Director to negotiate and execute an agreement for these services and take any other such related actions to support this work.

Vice Chair Moyer made a motion to adopt Resolution No. 2022-17 approving this item.

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

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

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

## **8. SEA CHANGE HYDROGEN-POWERED VESSEL DEMONSTRATION PROJECT**

Mr. Murphy presented this item recommending approving the implementation of a demonstration project to operate the *Sea Change* hydrogen-powered vessel as part of the San Francisco Bay Ferry network for a total of six months and authorizing the Executive Director to take steps to facilitate the project including:

- Adopt an amendment to the Fiscal Year (FY) 2022 Operating Budget in the amount of \$281,500 to fund the potential current fiscal year cost of the Demonstration Project. The remaining costs of the Demonstration Project will be included in the FY 2023 Operating Budget
- Execute an amendment to WETA's Operating Contract that allows Blue & Gold Fleet to lease the vessel and operate it in WETA service
- Negotiate and execute agreements with private and public sector project sponsors to secure funding that supports project implementation

Mr. Murphy stated that the demonstration project reinforces WETA's commitment to transitioning to zero-emission service. He said that the cost associated with running this project for six months is \$1.7 million as previously reported, and WETA is looking at ways to partner with others to offset the costs associated with funding the project.

### **PUBLIC COMMENT**

SWITCH Maritime LLC Founder/Chief Executive Officer Pace Ralli said the project required many partners.

Mr. Murphy said that the vessel was currently in a shipyard in Seattle. He said that a Board action authorizing the project would signal bringing the vessel to the Bay Area.

Director Alba expressed concerns about the speed, capacity, refueling time, but noted that hydrogen has great potential to evolve and become a viable technology for WETA's longer routes.

Mr. Murphy confirmed ADA accessibility and boarding configuration in response to Vice Chair Moyer.

Director Alba made a motion to adopt Resolution No. 2022-18 approving this item.

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

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

## **9. SOUTH SAN FRANCISCO-SAN FRANCISCO PILOT SERVICE**

Mr. Murphy presented this informational item to provide an update to the Board on efforts to explore a six-month pilot service connecting San Francisco and South San Francisco. Staff had been targeting summer 2022 for pilot implementation, but South San Francisco employers are recommending that implementation of this pilot be paused until there is more certainty about return-to-office participation from likely riders. Given the considerable costs of subsidizing service for which the timing of ridership is still a question; staff is not seeking Board authorization to implement pilot service this summer but will continue to monitor return-to-office travel patterns and evaluate potential opportunities to expand San Francisco Bay Ferry service in South San Francisco.

## **PUBLIC COMMENT**

PROP SF Director of Client Development and Business Operations Alex Kryska spoke in support of starting service when people are just starting to get back to work.

## **10. TWO YEAR BUDGET OUTLOOK**

Chief Financial Officer Erin McGrath presented this informational item and shared her presentation on the financial outlook for Fiscal Years 2023 and 2024. She plans to, given the financial uncertainty, reevaluate WETA's long-term outlook on a regular basis, specifically at the six-month mark of the fiscal year to allow time for adjustment of projections and briefings on options at the time.

The Directors welcomed a quarterly report given the volatility of fuel costs.

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

## **11. OVERVIEW OF WETA'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND SMALL BUSINESS ENTERPRISE (SBE) ELEMENT AND STRATEGIES TO INCREASE DBE AND SBE PARTICIPATION**

Government & Regulatory Affairs Manager Lauren Gularte presented this informational item providing an overview of the Disadvantaged Business Enterprise (DBE) Program and Small Business Enterprise (SBE) Element in an effort to inform the Board of the complexity and challenges of the Program to receive direction on strategies WETA could pursue to increase DBE participation.

The Directors thanked Ms. Gularte for her thorough report, supported the idea of the workshop, offered their own support, and suggested calling on WETA's lobbyists.

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

Ms. Chun said that though WETA may not be able to count the dollars that are not federal that WETA still had some achievements.

## **12. PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

Chair Wunderman called for public comments on non-agenda items, and there were none.

## **13. RECESS INTO CLOSED SESSION**

The Directors recessed into closed session at 3:11 p.m.

- a. Conference with Labor Negotiator  
Pursuant to Government Code Section 54957.6  
Position: Unrepresented Employees  
Agency Representative: Seamus Murphy, Executive Director
- b. Conference with Legal Counsel – Anticipated Litigation  
Pursuant to Government Code Sections 54956.9 (d)(2)  
One case

## **13. REPORT OF ACTIVITY IN CLOSED SESSION**

The Directors returned to open session at 4:11 p.m. with no action to report.

With all business concluded, Chair Wunderman adjourned the meeting in honor of Mr. Mineta and his lifetime of service at 4:11 p.m.

- Board Secretary  
\*\*\*END\*\*\*