



October 16, 2009

BOARD OF DIRECTORS MEETING
FRIDAY, OCTOBER 23, 2009

5. CONSENT CALENDAR:

A. Approve the Minutes of the Following Meetings:

1. Building and Operating Committee/Committee of the Whole of September 24, 2009;
2. Special Meeting of the Rules, Policy and Industrial Relations Committee/Committee of the Whole of September 25, 2009; and,
3. Regular Meeting of the Board of Directors of September 25, 2009.

Motion

B. Attorney's Report
Denial of Claims

- | | | |
|-----|--|----------------------|
| 1. | Claim of Christy Cook | <u>Motion</u> |
| 2. | Subrogation Claim of California State Automobile Association (Insured: Margaret Harada) | <u>Motion</u> |
| 3. | Claim of Catherine Lubiszewski | <u>Motion</u> |
| 4. | Claim of Elizabeth Vial | <u>Motion</u> |
| 5. | Claim of Dolores Skore | <u>Motion</u> |
| 6. | Amended Claim of Francisca de Leon | <u>Motion</u> |
| 7. | Subrogation Claim of The Hartford (Insured: Benjamin Kembel) | <u>Motion</u> |
| 8. | Claim of Brittany Hull | <u>Motion</u> |
| 9. | Subrogation Claim of Allstate Insurance Company (Insured: Caro Bourdon) | <u>Motion</u> |
| 10. | Subrogation Claim of Claim of California State Automobile Association (Insured: Mary E. and Joseph Niesyn) | <u>Motion</u> |

Attachments



September 24, 2009

**REPORT OF THE BUILDING AND OPERATING COMMITTEE/
COMMITTEE OF THE WHOLE**

Honorable Board of Directors
Golden Gate Bridge, Highway
and Transportation District

Honorable Members:

A meeting of the Building and Operating Committee/Committee of the Whole was held in the Board Room, Administration Building, Toll Plaza, San Francisco, California, on Thursday, September 24, 2009, at 10:00 a.m., Chair Eddie presiding.

Committee Members Present (6): Chair Eddie; Directors Cochran, Newhouse Segal, Reilly and Stroeh; President Boro (Ex Officio)

Committee Members Absent (2): Director McGlashan; Vice Chair Moylan

Other Directors Present (4): Directors Elsbernd, Grosboll, Sobel and Snyder

Committee of the Whole Members Present (10): Directors Cochran, Elsbernd, Grosboll, Newhouse Segal, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro

Committee of the Whole Members Absent (9): Directors Brown, Campos, Chu, Dufty, Kerns, McGlashan, Moylan, Pahre and Sanders

Staff Present: District Engineer and Acting General Manager Denis J. Mulligan; Auditor-Controller Joseph M. Wire; Secretary of the District Janet S. Tarantino; Attorneys David J. Miller and Madeline Chun; Deputy General Manager/Bridge Division Kary H. Witt; Deputy General Manager/Administration and Development Z.W. Johnson; Marine Projects Manager/Ferry Division and Acting Deputy General Manager/Ferry Division Christian Stark; Acting Executive Assistant to the General Manager Sonia Pedlar; Assistant Clerk of the Board Patsy Whala

Visitors Present: None

REPORT OF THE BUILDING AND OPERATING COMMITTEE
SEPTEMBER 24, 2009/PAGE 2

1. Approve Actions Relative to the Execution of a Professional Services Agreement with Moffatt & Nichol Regarding Request for Proposals No. 2010-FT-3, Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities

In a memorandum to Committee, Deputy District Engineer Ewa Bauer, District Engineer Denis Mulligan and General Manager Celia Kupersmith reported on staff's recommendation to authorize execution of a Professional Services Agreement (Agreement) with Moffatt & Nichol relative to Request for Proposals (RFP) No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities*; and, approve all related actions.

The report described the existing conditions of the passenger loading and disembarking systems at the Larkspur Ferry Terminal (LFT), San Francisco Ferry Terminal (SFFT) and Sausalito Ferry Terminal (SFT) facilities. The report stated that improvements at these facilities will be designed to comply with current regulations and to comply voluntarily with guidance documents for the Americans with Disabilities Act (ADA), as well as to comply voluntarily with the Access Board's pending *Passenger Vessel Accessibility Guidelines*. The report also stated that the work includes conceptual designs for a new maintenance slip at LFT, as well as a new lay berth at SFFT. The report noted that the proposed lay-up berth at SFFT will comply with Department of Homeland Security and U.S. Coast Guard security regulations.

The report outlined the scope of work, stating that the professional services include preparing all necessary environmental studies and consultations to complete the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), the Clean Water Act and related environmental processes. The engineering services also include assisting the District in obtaining all required permits, including disposal permits for dredging, if needed.

The report stated that on May 19, 2009, the District issued RFP No. 2010-FT-3 and received proposals from six firms by the deadline date of July 7, 2009. The Evaluation Committee unanimously determined that Moffatt & Nichol is the best qualified consultant to perform these services. The report stated that no DBE goal was established for this work; however, consultants were strongly encouraged to obtain DBE participation. The DBE Program Administrator has determined that Moffatt & Nichol has complied with the DBE requirements applicable to RFP No. 2010-FT-3, and at this time, a 17.4% DBE participation is anticipated during the performance of these services.

The report also stated that a budget increase in the FY 09/10 Ferry Transit Division Capital Budget, in the amount of \$5,844,000.00, is required, to be funded with \$4,675,200.00 Federal Transit Administration grant funds and \$1,168,800.00 from District reserves, for a total proposed budget of \$7,844,000.00. A copy of the staff report, including attachments is available in the Office of the District Secretary and on the District's web site.

**REPORT OF THE BUILDING AND OPERATING COMMITTEE
SEPTEMBER 24, 2009/PAGE 3**

At the meeting, Mr. Mulligan summarized the staff report stating that the District is eager and willing to improve loading and disembarking access to its ferries for the disabled community, as well as for bicyclists and commuters. Mr. Mulligan explained that, although the District is in full compliance with all current ADA regulations, the incline/decline of the ramps can be steep at high- and low-tides, which can be problematic for persons with mobility issues. Mr. Mulligan also stated that the District will be working with all stakeholders regarding this matter, including the cities of Larkspur, Sausalito and the San Francisco, the accessibility community, the bicycle coalitions and the bicycle rental companies.

Staff recommended and the Committee concurred by motion made and seconded by **Directors STROEH/REILLY** to forward the following recommendation to the Board of Directors for its consideration:

RECOMMENDATION

The Building and Operating Committee recommends that the Board of Directors approve actions relative to Request for Proposals No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities*, as follows:

- a. Authorize execution of a Professional Services Agreement with Moffatt & Nichol, Walnut Creek, CA, in an amount not to exceed \$6,000,000.00;
- b. Establish a total project budget of \$7,844,000.00, to be funded with \$6,275,200 Federal Transit Administration (FTA) funds (80%) and \$1,568,800.00 District reserves (20%); and,
- c. Authorize a budget increase in the FY 09/10 Ferry Transit Division Capital Budget in the amount of \$5,844,000.00, subject to the concurrence of the Finance-Auditing Committee at its meeting of September 24, 2009.

**Action by the Board at its meeting of September 25, 2009 – Resolution
NON-CONSENT CALENDAR**

AYES (6): Chair Eddie; Directors Cochran, Grosboll, Newhouse Segal, Pahre and Reilly Stroeh; President Boro (Ex Officio)
NOES (0): None

2. Approve Actions Relative to the Award of Contract No. 2010-FT-10, Installation of New Propulsion System for Re-Powering and Dry-Docking of the M.V. Del Norte, to Ice Floe, LLC, dba Nichols Brothers Boat Builders

In a memorandum to Committee, Marine Projects Manager/Ferry Transit Division Christian Stark, Deputy General Manager/Ferry Transit Division James Swindler and General Manager Celia Kupersmith reported on staff's recommendation to authorize the award of Contract No. 2010-FT-10, *Installation of New Propulsion System for Re-Powering and Dry-Docking of the M.V. Del Norte* to Ice Floe, LLC, dba Nichols Brothers Boat Builders; and, approve all related actions.

**REPORT OF THE BUILDING AND OPERATING COMMITTEE
SEPTEMBER 24, 2009/PAGE 4**

The report stated that the *M.V. Del Norte* is scheduled to be repowered with new Environmental Protection Agency (EPA) Tier II engines. On May 26, 2009, the District advertised for bids relative to Contract No. 2010-FT-2, *Installation of New Propulsion System for Re-Powering and Dry-Docking of the M.V. Del Norte*. After review of these bids by staff and the Attorney, a recommendation to reject all bids was made by staff and the Board, at its meeting on August 14, 2009, rejected all bids as being non-responsive. The District re-advertised bids for Contract No. 2010-FT-10, and on September 15, 2009, three bids were received, opened and publicly read by the Secretary of the District.

The report also stated that following review of the bids received, it was concluded that the responsive, responsible low bidder is Ice Floe, LLC, dba Nichols Brothers Boat Builders (Nichols Bros.), with a bid price of \$2,313,314.00. Nichols Bros., bid price was \$100,000 lower than a local shipyard's bid, due to the \$100,000 delivery allowance included in the bid specifications. It was reported that this factor resulted in broader competition and a lower bid price. In addition, the DBE Program Administrator determined that Nichols Bros., has complied with the DBE requirements applicable to this Contract. At this time, no DBE participation is anticipated during the performance of this Contract.

The report further stated that, in order to avoid any unnecessary delays, staff recommends that the Board delegate authority to the General Manager to execute any necessary change orders within the requested contingency, with the understanding that individual change orders in excess of \$100,000 will require the prior concurrence of the Board President and the Chair of the Building and Operating Committee.

The report also stated that a budget increase in the FY 09/10 Ferry Transit Division Capital Budget, in the amount of \$1,386,000.00, is required, to be funded with Federal Transit Administration (FTA) grant funds (100%). The total project will be funded with Carl Moyer grant funds (\$3,162,142.00) and FTA grant funds (\$2,630,858.00). A copy of the report is available from the Office of the District Secretary and on the District's web site.

Discussion ensued, including the following comments and inquiries:

- Director Cochran inquired as to whether the delivery allowance was included in the total bid price from Nichols Bros. In response, Mr. Mulligan stated that the District separated the delivery allowance from the total bid price to engender competition from boatyards outside of the Bay Area.
- Director Newhouse Segal made the following comments and inquiries:
 - She inquired as to whether the District can use any remaining money in the contingency fund for other District projects. In response, Mr. Mulligan stated that the contingency fund is 100% FTA-funded, so the unspent money can be redirected to other FTA-funded District projects.

**REPORT OF THE BUILDING AND OPERATING COMMITTEE
SEPTEMBER 24, 2009/PAGE 5**

- She inquired as to the reason why staff is recommending that the Board delegate authority to the General Manager to approve change orders up to \$100,000.00, rather than having a \$50,000.00 threshold. In response, Mr. Mulligan stated that change orders provide the ability to address unknown or changed conditions. Mr. Mulligan also stated that, under the current procedures, the District may incur delay costs if unknown problems are discovered when the vessel is dry-docked if addressing the problems require a change order in excess of \$50,000.00.
- Director Sobel expressed his concerns regarding having money readily available and stated that oftentimes the money will be spent.

a. Original Staff Recommendation

“Approve actions relative to the award of Contract No. 2010-FT-10, Installation of New Propulsion System for Re-Powering and Dry-docking of the M.V. Del Norte, as follows:

- a. Authorize award of a contract to Ice Floe, LLC, dba Nichols Brothers Boat Builders, Freeland, WA, in the amount of \$2,313,314.00;
- b. Establish a contingency fund in the amount of \$375,000.00, to cover anticipated sales tax, delivery costs and any unanticipated items that may be discovered once work commences;
- c. Authorize the General Manager to approve change orders to Contract No. 2010-FT-10, up to the maximum of the available project contingency, with the understanding that any individual change order exceeding \$100,000.00 requires the concurrence of the President of the Board and the Chair of the Building and Operating Committee; and,
- d. Authorize a budget increase in the FY 09/10 Ferry Transit Division Capital Budget in the amount of \$1,386,000.00, to be funded with Federal Transit Administration funds (100%).”

b. Suggested Revision to Original Staff Recommendation

Following discussion by the Committee members present, a motion was made and seconded by **Directors COCHRAN/SOBEL** to approve the following revision to the original staff recommendation:

From:

“any individual change order exceeding \$100,000.00 requires the concurrence of the President of the Board and the Chair of the Building and Operating Committee,”

To:

“any individual change order exceeding \$50,000.00 requires the concurrence of the President of the Board and the Chair of the Building and Operating Committee.”

Carried

**REPORT OF THE BUILDING AND OPERATING COMMITTEE
SEPTEMBER 24, 2009/PAGE 6**

c. Final Recommendation for Approval

Following consensus of the above-referenced revision, the Committee concurred by motion made and seconded by **Directors STROEH/COCHRAN** to forward the following recommendation to the Board of Directors for its consideration:

RECOMMENDATION

The Building and Operating Committee recommends that the Board of Directors approve actions relative to the award of Contract No. 2010-FT-10, *Installation of New Propulsion System for Re-Powering and Dry-docking of the M.V. Del Norte*, as follows:

- a. Authorize award of a contract to Ice Floe, LLC, dba Nichols Brothers Boat Builders, Freeland, WA, in the amount of \$2,313,314.00;
- b. Establish a contingency fund in the amount of \$375,000.00, to cover anticipated sales tax, delivery costs and any unanticipated items that may be discovered once work commences;
- c. Authorize the General Manager to approve change orders to Contract No. 2010-FT-10, up to the maximum of the available project contingency, with the understanding that any individual change order exceeding \$50,000.00 requires the concurrence of the President of the Board and the Chair of the Building and Operating Committee; and,
- d. Authorize a budget increase in the FY 09/10 Ferry Transit Division Capital Budget in the amount of \$1,386,000.00, to be funded with Federal Transit Administration funds (100%).

**Action by the Board at its meeting of September 25, 2009 – Resolution
NON-CONSENT CALENDAR**

AYES (8): Chair Eddie; Directors Cochran, Grosboll, Newhouse Segal, Pahre and Reilly Stroeh; President Boro (Ex Officio)

NOES (0): None

4. Status Report from District Appointees on Sonoma-Marin Area Rail Transit (SMART) Board

The Committee was provided with a copy of the agenda for the September 16, 2009, meeting and minutes of the July 15, 2009, meeting of the Sonoma-Marin Area Rail Transit District (SMART). Copies of these items are available in the Office of the District Secretary, as well as on the District's web site.

**REPORT OF THE BUILDING AND OPERATING COMMITTEE
SEPTEMBER 24, 2009/PAGE 7**

At the meeting, Chair Eddie, one of the members of the SMART Board of Directors (SMART Board), reported on the following:

- 1) He commented that work is complete for the Cal Park Hill Tunnel, connecting Larkspur to San Rafael. He noted that the next steps in this project include the bicycle and pedestrian walkway and the laying of track.
- 2) He stated that the SMART Board has approved the purchase of the heavy Diesel Multiple Units (DMU) rail cars. SMART's engineers are now working on the interior design for the DMU rail cars.
- 3) He noted that the SMART Board is currently looking for space in Santa Rosa for office use and for a maintenance shop.

Discussion ensued, including the following comments and inquiries:

Director Stroeh inquired as to whether the SMART Board would be providing public updates on progress of projects, either by way of a publication or on the internet. In response, Chair Eddie stated that Community Outreach and Education Manager Chris Coursey provides progress reports on SMART projects, and the SMART Board places advertisements in the local newspaper.

Action by the Board – None Required

[With the arrival of Director Grosboll, the Committee became a Committee of the Whole.]

5. Status Report on Engineering Projects

In a memorandum to Committee, Deputy District Engineer Ewa Bauer, District Engineer Denis Mulligan and General Manager Celia Kupersmith reported on current engineering projects. A copy of the report is available in the Office of the District Secretary and on the District's web site.

Action by the Board – None Required

6. Public Comment

None

7. Adjournment

All business having been concluded, the meeting was declared adjourned at 10:25 a.m.

Respectfully submitted,

James C. Eddie, Chair
Building and Operating Committee



September 25, 2009

REPORT OF THE SPECIAL MEETING OF THE RULES, POLICY AND INDUSTRIAL RELATIONS COMMITTEE/COMMITTEE OF THE WHOLE

Honorable Board of Directors
Golden Gate Bridge, Highway
and Transportation District

Honorable Members:

A Special meeting of the Rules, Policy and Industrial Relations Committee/Committee of the Whole was held in the Board Room, Administration Building, Toll Plaza, San Francisco, California, on Friday, September 25, 2009, at 9:30 a.m., Chair Pahre presiding.

Committee Members Present (7): Chair Pahre; Vice Chair McGlashan; Directors Elsbernd, Newhouse Segal, Sanders and Snyder; President Boro (Ex Officio)

Committee Members Absent (0): None

Other Directors Present (8): Directors Cochran, Dufty, Eddie, Grosboll, Kerns, Reilly, Sobel and Stroeh

Committee of the Whole Members Present (15): Directors Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Sobel, Snyder and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro

Committee of the Whole Members Absent (4): Directors Brown, Campos, Chu and Moylan

Staff Present: General Manager Celia G. Kupersmith; District Engineer Denis J. Mulligan; Auditor-Controller Joseph M. Wire; Secretary of the District Janet S. Tarantino; Attorneys David J. Miller, Madeline Chun and Julie Veit; Deputy General Manager, Bridge Division Kary H. Witt; Deputy General Manager, Bus Division Teri W. Mantony; Deputy General Manager, Administration Z. Wayne Johnson; Marine Projects Manager/Ferry Division and Acting Deputy General Manager/Ferry Division Christian Stark; Acting Executive Assistant to the General Manager Sonia Pedlar; Assistant Clerk of the Board Patsy Whala

Visitors Present: None

**REPORT OF THE SPECIAL MEETING OF THE RULES, POLICY AND INDUSTRIAL
RELATIONS COMMITTEE/ COMMITTEE OF THE WHOLE
SEPTEMBER 25, 2009/PAGE 2**

1. Approve Amendments, Clarifications and Technical Changes to *Master Ordinance 2009*, Relative to Expressive Activities and Special Events

In a memorandum to Committee, Deputy General Manager/Bridge Division Kary Witt, Attorney David Miller and General Manager Celia Kupersmith reported on staff's recommendation to adopt an Ordinance updating and amending *Master Ordinance 2009* regarding the use of District property for expressive activities and special events.

The report stated that on February 27, 2009, the Board of Directors enacted the Master Ordinance 2009, which amended Master Ordinance 2007, regarding the use of District property for expressive activities and special events. The opportunity to observe application of the updated ordinance in practice during this period has prompted staff to recommend that the Board consider: (1) supplementation of certain findings that underlie the Board's actions; and, (2) adoption of various technical clarifications and amendments to the updated ordinance.

The report stated that it is the District's policy to accommodate expressive activities to the extent feasible taking into account the District's overarching safety, operational and security needs and to the extent possible, allow the public to engage in expressive activities on District property so long as the activities do not compromise the district's business and operations, user and staff safety and District security. At this time, the Board desires to confirm that the General Manager or her designee, has the authority to enact rules and regulations to effectuate the goals of the Ordinance.

The proposed amendments to the updated ordinance address the following subjects:

- a. Expansion of number of events per day at each facility and refinement of hours of permitted events;
- b. Findings pertaining to sticks and poles prohibition;
- c. Violations; and,
- d. Delegation of authority.

A copy of the report is available in the Office of the District Secretary and on the District's web site.

At the meeting, David Miller summarized the staff report, stating that the proposed amendments include: 1) re-establishment of the time limits for permitted activities to be completed by 2:00 p.m., as with past practice, so as not to affect commute traffic; 2) allowance for up to two permitted activities per day, on a demonstration basis, to accommodate the increase in requests, provided that ample security is available to supervise the event, noting that there would be a mandatory 60-minute break between events in order to allow District personnel to clear the sidewalks; 3) enactment of technical changes and provision of clarifications; and, 4) authority for the General Manager to carry out rules and regulations to effectively implement *Master Ordinance 2009*, including the potential to revoke or deny permits according to set of standards. In conclusion, Mr. Miller stated that *Master Ordinance 2009* is designed to alert the public regarding the ground rules for conducting permitted activities on the Bridge sidewalks and other facilities in a lawful manner and consistent with the standards established by the Board.

**REPORT OF THE SPECIAL MEETING OF THE RULES, POLICY AND INDUSTRIAL RELATIONS COMMITTEE/ COMMITTEE OF THE WHOLE
SEPTEMBER 25, 2009/PAGE 3**

Discussion ensued, including the following comments and inquiries:

- Director Sanders inquired as to how the item had been vetted. In response, Mr. Miller stated that the Board had a comprehensive discussion on this matter, and as a result of the discussion, in February 2009, amended the Ordinance related to expressive activities. Mr. Miller also stated that, since that time, staff has evaluated the effects of the newly enacted Ordinance, and are now recommending technical changes and clarifications to further refine the current *Master Ordinance 2009*.
- Director Sobel inquired if the District collects fees for special events to recover District expenses, expressing his concerns regarding the District's costs associated with overseeing expressive activities. In response, Mr. Miller stated that the Board adopted a policy in February 2009, to not charge fees. Mr. Miller noted that the California Highway Patrol also does not charge fees for their oversight of expressive activities.

Staff recommended, and the Committee concurred by motion made and seconded by **Directors STROEH/KERNS** to forward the following recommendation to the Board of Directors for its consideration:

RECOMMENDATION

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve amendments, clarifications and technical changes to the *Master Ordinance 2009*, relative to expressive activities and special events, as outlined and attached to the official Ordinance.

**Action by the Board at its meeting of September 25, 2009 – Ordinance
NON-CONSENT CALENDAR**

AYES (15): Directors Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Sobel, Snyder and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro

NOES (0): None

2. Public Comment

There was no public comment.

3. Adjournment

All business having been concluded, the meeting was declared adjourned at 10:05 a.m.

Respectfully submitted,

Barbara L. Pahre, Chair
Rules, Policy and Industrial Relations Committee



15-2009

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

MEMORANDUM OF MINUTES

BOARD OF DIRECTORS MEETING

SEPTEMBER 25, 2009

The Board of Directors of the Golden Gate Bridge, Highway and Transportation District (District) met in regular session in the Board Room, Administration Building, Toll Plaza, San Francisco, California, on Friday, September 25, 2009, at 10:00 a.m., President Boro presiding.

ROLL CALL

Directors Present (14): Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro

Directors Absent (3): Directors Brown, Campos and Moylan

Staff Present: General Manager Celia G. Kupersmith; District Engineer Denis J. Mulligan; Auditor-Controller Joseph M. Wire; Secretary of the District Janet S. Tarantino; Attorneys David J. Miller, Madeline Chun, Julie Veit; Deputy General Manager/Bridge Division Kary H. Witt; Deputy General Manager/Bus Division Teri W. Mantony; Deputy General Manager/Administration and Development Z.W. Johnson; Marine Projects Manager/Ferry Division and Acting Deputy General Manager/Ferry Division Christian Stark; Acting Executive Assistant to the General Manager Sonia Pedlar; Assistant Clerk of the Board Patsy Whala

Visitors Present: Norman Rolfe/Board Member, San Francisco Tomorrow; Captain Robert Morehan, California Highway Patrol; Lieutenant David Raleigh, California Highway Patrol

PLEDGE OF ALLEGIANCE

Director Charles McGlashan led the Board of Directors in the Pledge of Allegiance to the Flag.

**BOARD OF DIRECTORS MEETING
SEPTEMBER 25, 2009/PAGE 2**

PUBLIC COMMENT

Public comment was received relative to Agenda Item No. 9, below.

CONSENT CALENDAR

Directors STROEH/KERNS moved approval of the Consent Calendar. All items were approved by the following vote of the Board of Directors:

AYES (16): Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro
NOES (0): None
ABSENT (3): Directors Brown, Campos and Moylan

1. Denial of Claims

a.	Claim of Benjamin L. Kembel	<u>Carried</u>
b.	Claim of Remick Lew	<u>Carried</u>
c.	Claim of Sheila O'Neill	<u>Carried</u>
d.	Subrogation Claim of California State Automobile Association (Insured: Hildegard Dacasin)	<u>Carried</u>
e.	Claim of Stephanie Schwartz Effros	<u>Carried</u>
f.	Claims of Karen Silva-Schisler and Karl Schisler	<u>Carried</u>

GENERAL MANAGER'S REPORT

2. General Manager Celia Kupersmith reported that all items contained in the General Manager's report were informational.
3. **Presentation of Employee of the Month Award to Karin Williams, Senior Specialist for Application Support in the District Division**

President Boro presented the Employee of the Month Award to Karin Williams, Senior Specialist for Application Support in the District Division, and expressed his congratulations on behalf of the Board of Directors.

ATTORNEY'S REPORT

4. Attorney David Miller reported that all items contained in the Attorney's Report were informational.

In addition, Mr. Miller provided an update on the proceedings before the California State Public Utilities Commission whereby the Red and White fleet is seeking use of the District's docking facility in Sausalito. Mr. Miller provided the details regarding the hearings on this matter, acknowledging the contributions made by Director McGlashan and members of the Ferry Passenger Advisory Committee who spoke in favor of the District's position. Mr. Miller stated that Director McGlashan's testimony presented his concerns as a Marin County Supervisor on behalf of his southern Marin County

**BOARD OF DIRECTORS MEETING
SEPTEMBER 25, 2009/PAGE 3**

constituents who could be adversely affected if the Red and White petition were granted. Mr. Miller reported that following the hearings, Red and White has advised of its intention to withdraw its application, thereby ending these proceedings.

ENGINEER'S REPORT

5. District Engineer Denis Mulligan reported that all items contained in the Engineer's Report were informational.

**REPORT OF THE BUILDING AND OPERATING COMMITTEE/COMMITTEE OF
THE WHOLE MEETING OF SEPTEMBER 24, 2009**

6. **Approve Actions Relative to the Execution of a Professional Services Agreement with Moffatt & Nichol Regarding Request for Proposals No. 2010-FT-3, Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities**

a. Discussion by the Board

- Director Sanders inquired as to whether the District has acquired funding for the proposed projects. In response, Ms. Kupersmith stated that the District has secured some funding; however, the projects are in the capital plan and staff will continue to seek grant funding over the next several years. Also, Mr. Mulligan stated that staff anticipates that the projects will be 80% grant funded.
- Director Grosboll inquired as to the timeline of the projects. In response, Mr. Mulligan stated that staff anticipates the work at the Sausalito Ferry Terminal to commence within a year.

b. Action by the Board

Directors EDDIE/STROEH

Resolution No. 2009-077 approves actions relative to Request for Proposals No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities*, as follows:

- a. Authorize execution of a Professional Services Agreement with Moffatt & Nichol, Walnut Creek, CA, in an amount not to exceed \$6,000,000.00;
- b. Establish a total project budget of \$7,844,000.00, to be funded with \$6,275,200 Federal Transit Administration funds (80%) and \$1,568,800.00 District reserves (20%); and,
- c. Authorize a budget increase in the FY 09/10 Ferry Transit Division Capital Budget in the amount of \$5,844,000.00, as concurred with the Finance-Auditing Committee at its meeting of September 24, 2009.

Adopted

**BOARD OF DIRECTORS MEETING
SEPTEMBER 25, 2009/PAGE 4**

- AYES (16):** Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro
- NOES (0):** None
- ABSENT (3):** Directors Brown, Campos and Moylan

7. Approve Actions Relative to the Award of Contract No. 2010-FT-10, Installation of New Propulsion System for Re-Powering and Dry-Docking of the M.V. Del Norte, to Ice Floe, LLC, dba Nichols Brothers Boat Builders

Directors EDDIE/COCHRAN

Resolution No. 2009-078 approves actions relative to the award of Contract No. 2010-FT-10, *Installation of New Propulsion System for Re-Powering and Dry-docking of the M.V. Del Norte*, as follows:

- a. Authorize award of a contract to Ice Floe, LLC, dba Nichols Brothers Boat Builders, Freeland, WA, in the amount of \$2,313,314.00;
- b. Establish a contingency fund in the amount of \$375,000.00, to cover anticipated sales tax, delivery costs and any unanticipated items that may be discovered once work commences;
- c. Authorize the General Manager to approve change orders to Contract No. 2010-FT-10, up to the maximum of the available project contingency, with the understanding that any individual change order exceeding \$50,000.00 requires the concurrence of the President of the Board and the Chair of the Building and Operating Committee; and,
- d. Authorize a budget increase in the FY 09/10 Ferry Transit Division Capital Budget in the amount of \$1,386,000.00, to be funded with Federal Transit Administration funds (100%).

Adopted

- AYES (16):** Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro
- NOES (0):** None
- ABSENT (3):** Directors Brown, Campos and Moylan

REPORT OF THE FINANCE-AUDITING COMMITTEE/COMMITTEE OF THE WHOLE MEETING OF SEPTEMBER 24, 2009

8. Approve Actions Relative to the Execution of a Professional Services Agreement with ICMA Retirement Corporation Regarding Request for Proposals No. 2010-D-1, Deferred Compensation Plan Provider

a. Discussion by the Board

- Director Sobel commended staff on the preparation of the staff report, which provided the Board with valuable information to discuss the matter.

b. Action by the Board

Directors STROEH/KERNS

Resolution No. 2009-079 approves actions relative to Request for Proposals No. 2010-D-1, *Deferred Compensation Plan Provider*, as follows:

- a. Authorize execution of a Professional Services Agreement with ICMA Retirement Corporation, Washington, D.C., for a five-year term, with two one-year options, to provide bundled plan services for the District's IRC Section 457 Deferred Compensation Plan (Plan);
- b. Approve the District's Plan and Trust Agreement and delegated Board authority to the Auditor-Controller to approve amendments to the Plan and Trust Agreement to confirm with future changes in federal and state regulations, upon review by district's legal counsel; and,
- c. Approve the District Plan's Investment Policy Statement and delegated Board authority to the Auditor-Controller to approve minor amendments, if necessary.

Adopted

AYES (16): Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro

NOES (0): None

ABSENT (3): Directors Brown, Campos and Moylan

9. Receive the Updated Five- and Ten-Year Financial Projection

a. Public Comment

Norman Rolfe, Board Member, San Francisco Tomorrow, expressed his concerns regarding the expense and the detriment to the District and the Presidio for the Doyle Drive Reconstruction Project.

b. Discussion by the Board

- Director Snyder commended staff for the well thought-out staff report, which was clear and helpful.
- Director Stroeh encouraged the Board members to attend the Special Meeting of the Board of Directors at its meeting of October 30, 2009, to discuss the strategic plan for financial stability.

**BOARD OF DIRECTORS MEETING
SEPTEMBER 25, 2009/PAGE 6**

c. Action by the Board

Directors STROEH/KERNS

Resolution No. 2009-080 receives the updated Five- and Ten-Year Financial Projection (Projection) from FY 10/11 through FY 19/20, including the following Sections and Appendices, included in the Projection attached to the official Resolution:

a. SECTIONS

- I. Introduction;
- II. Fiscal Strength of the District;
- II. Project Findings;
- III. Assumptions; and,
- IV. Next Steps.

b. APPENDICES

- A. Projection;
- B. Assumptions;
- C. Ten-Year Capital Plan Projection;
- D. Capital Contribution Calculation; and,
- E. Reserve Structure.

Adopted

AYES (16): Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro

NOES (0): None

ABSENT (3): Directors Brown, Campos and Moylan

10. Accept Annual Review and Report from the OPEB Retirement Investment Trust Board to the Golden Gate Bridge, Highway, and Transportation District's Board of Directors

Directors STROEH/PAHRE

Resolution No. 2009-081 accepts the FY 08/09 Annual Review and Report from the OPEB Retirement Trust Board in the following three areas:

- a. Monitor compliance of the Investment Policy for the OPEB Trust, which compliance has been certified as of June 30, 2009;
- b. Review and assess the performance of the two service providers:
 - 1) PFM Asset Management LLC, as the Investment Advisor and Trust Administrator; and,
 - 2) U.S. Bank National Association as the Trustee and Custodian; which have complied fully with their responsibilities; and,
- c. Review and reassess the adequacy of the Trust Board's Charter and recommend proposed changes, if necessary, which after review no changes were recommended.

Adopted

**BOARD OF DIRECTORS MEETING
SEPTEMBER 25, 2009/PAGE 7**

- AYES (16):** Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro
- NOES (0):** None
- ABSENT (3):** Directors Brown, Campos and Moylan

**REPORT OF THE RULES, POLICY AND INDUSTRIAL RELATIONS
COMMITTEE/COMMITTEE OF THE WHOLE MEETING OF SEPTEMBER 25, 2009**

11. Approve Amendments, Clarifications and Technical Changes to Master Ordinance 2009 Relative to Expressive Activities and Special Events

Directors PAHRE/KERNS

Ordinance No. 2009-05 approves amendments, clarifications and technical changes to the *Master Ordinance 2009*, relative to expressive activities and special events, as outlined in the Ordinance and attached hereto.

Adopted

- AYES (16):** Directors Chu, Cochran, Dufty, Elsbernd, Grosboll, Kerns, McGlashan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro
- NOES (0):** None
- ABSENT (3):** Directors Brown, Campos and Moylan

ADDRESSES TO THE BOARD

12. Mr. Witt introduced Captain Robert Morehan and Lieutenant David Raleigh from the California Highway Patrol (CHP), expressing his satisfaction with the assistance the CHP provides the District relative to expressive activities, as well as for day-to-day operations.
13. Ms. Kupersmith acknowledged the recent promotion of Lisa Locati, from Lieutenant to Bridge Captain, stating that Captain Locati is the first woman to hold this position. Ms. Locati replaces the newly retired Captain Michael Locati.

NEW BUSINESS

14. Briefing on the Annual Meeting of the International Bridge, Tunnel and Turnpike Association by the members of the Board of Directors:

- a. President Boro made the following comments:
- He reported that Deputy General Manager/Bridge Division Kary Witt completed his one-year term as IBTTA President. Also, he commended Mr. Witt for his strong leadership skills and expertise as a moderator.
 - He reported on the sessions he attended, briefly touching upon the characteristics of Vehicle Miles Traveled and congestion pricing.
 - He reported on the onsite tours, which included toll road operations, describing the functions of the command center and the emergency contact protocols.

**BOARD OF DIRECTORS MEETING
SEPTEMBER 25, 2009/PAGE 8**

- b. Director Pahre made the following comments:
 - She reported on the session she attended on sustainability, which looked at a transit agency's carbon footprint to ensure it is as small as possible while still maintaining transit operations.

- c. Director Cochran made the following comments:
 - He reported on the session he attended on environmental policy, requesting that the District explore the possibility of adopting its own environmental policy.

ADJOURNMENT

- 15. All business having been concluded, the meeting was adjourned at 11:00 a.m., in the memory of Ida Mae Lightner and Jovita Ramos.

Respectfully submitted,

Janet S. Tarantino
Secretary of the District

JST:PLW:plw

Memorandum

TO: Board of Directors
FROM: David J. Miller
DATE: October 15, 2009
RE: Board Meeting on October 23, 2009

Claim of Christy Cook

The District received a claim on behalf of Christy Cook alleging personal injuries in the amount of \$9,500.00. Claimant alleges that on July 27, 2009, she was a passenger on a District bus that stopped suddenly in the vicinity of McAllister Street and Van Ness Avenue in San Francisco. The claimant asserts that the sudden stop caused her to be thrown forward and hit her knee on the seat in front of her. As a result of the incident the claimant allegedly sustained an open wound and bruise on her knee, pain and suffering, and emotional distress. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Subrogation Claim of California State Automobile Association (Insured: Margaret Harada)

The District received a subrogation claim on behalf of California State Automobile Association (Insured: Margaret Harada) alleging property damage in the amount of \$1,835.71. Claimant alleges that on June 16, 2009, a District bus that was traveling behind the insured struck the rear of the insured's vehicle as the insured stopped in the vicinity of Lombard and Pierce Streets in San Francisco. As a result of the incident the insured's vehicle allegedly sustained damage to the left rear. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Catherine Lubiszewski

The District received a claim on behalf of Catherine Lubiszewski alleging property damage in the approximate amount of \$3,500.00 plus the cost of renting a car for twelve days. Claimant alleges that on August 10, 2009, a District bus struck her parked vehicle on South McDowell Boulevard near Baywood Drive in Petaluma. The claimant alleges that as the bus pulled away from a bus stop, the rear of the bus struck the driver's side front of her vehicle, causing damage to the driver's side front quarter panel, front bumper, front wheel covers, headlight and fog light fixtures. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Elizabeth Vial

The District received a claim on behalf of Elizabeth Vial alleging property damage in the amount of \$3,740.01. Claimant alleges that on June 5, 2009, as she was stopped at a stop sign on Pacheco Avenue in Fairfax, preparing to turn right onto Broadway, a District bus in the lane to her left crossed in front of her vehicle as the bus turned right. The claimant alleges that as the bus turned, the right side of the bus struck the left front fender of her vehicle. As a result of the incident, the front bumper and left fender of claimant's vehicle were allegedly damaged. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Dolores Skore

The District received a claim on behalf of Dolores Skore alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on March 26, 2009, while she was walking on the east sidewalk of the Golden Gate Bridge, she tripped over a pedestal attached to a stanchion of temporary construction fencing on the sidewalk. The claimant alleges that a dangerous condition of public property existed at this location. Claimant further asserts that the District increased the risk of harm by allowing bicycle traffic on the east sidewalk when the west sidewalk is closed to bicycles. As a result of the incident, the claimant allegedly sustained a broken nose, bruised forehead, right shoulder dislocation, rotator cuff probable partial subscapularis tear, possible biceps tendon subluxation, and cervical spondylosis with radiculopathy, and experienced neck and shoulder pain and disrupted sleep. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Amended Claim of Francisca De Leon

The District received an amended claim on behalf of Francisca De Leon alleging personal injuries in the amount of \$5,675.00. Claimant alleges that on July 1, 2009, she injured her arm and leg when she fell on board a District bus in Kentfield. The claimant asserts that the bus driver braked suddenly while she was standing, preparing to disembark, which caused her to fall over the fare box. Claimant contends that she lost wages in the amount of \$1,400.00 when she was off of work for two weeks and she has incurred medical expenses as a result of the incident. She further asserts that she has a bad credit record because the District has not paid her medical bills. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the amended claim.

Subrogation Claim of The Hartford (Insured: Benjamin Kembel)

The District received a subrogation claim on behalf of The Hartford (Insured: Benjamin Kembel) alleging property damage in the amount of \$1,105.87. Claimant alleges that on May 12, 2009, the insured was traveling in the right lane on Highway 101 in San Rafael when a District vehicle struck the side of the insured's vehicle as the bus merged onto the highway from an on ramp.

Memorandum To:
Board of Directors
October 15, 2009
Page 3

As a result of the incident, the claimant's vehicle allegedly sustained damage to the right front side, from the bumper to the door. The claim has been forwarded to John Glenn Adjusters.
Recommend denial of the claim.

Claim of Brittany Hull

The District received a claim on behalf of Brittany Hull alleging property damage in the amount of \$800.00. Claimant alleges that on July 3, 2009, she was driving across the Golden Gate Bridge when a loose yellow delineator tube popped up and struck the driver's side rear view mirror of her vehicle, knocking the mirror off into her lap. Claimant asserts that she almost lost control of her vehicle as a result. The claim has been forwarded to John Glenn Adjusters.
Recommend denial of the claim.

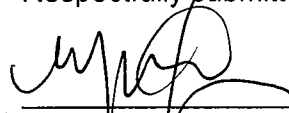
Subrogation Claim of Allstate Insurance Company (Insured: Caro Bourdon)

The District received a subrogation claim on behalf of Allstate Insurance Company (Insured: Caro Bourdon) alleging property damage in the amount of \$3,034.09 plus rental car expenses. Claimant alleges that on September 4, 2009, a District bus made a wide right turn, colliding with the insured's vehicle as the insured was stopped on B Street in Petaluma at the intersection of B and 4th Streets. The claimant alleges that this intersection has four-way stop signs. As a result of the incident, the claimant's vehicle allegedly sustained damage to the driver's side quarter panel. The claim has been forwarded to John Glenn Adjusters.
Recommend denial of the claim.

Subrogation Claim of California State Automobile Association (Insured: Mary E. and Joseph Niesyn)

The District received a subrogation claim on behalf of California State Automobile Association (Insured: Mary E. and Joseph Niesyn) alleging property damage in the amount of \$856.02. Claimant alleges that on July 10, 2009, a District bus collided with the rear of the insured's vehicle on U.S. 101 northbound to Rowland Boulevard. As a result of the incident the insured's vehicle allegedly sustained damage to the rear bumper. The claim has been forwarded to John Glenn Adjusters.
Recommend denial of the claim

Respectfully submitted,


DAVID J. MILLER

DJM:aer