



2023-8

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

MEMORANDUM OF MINUTES

BOARD OF DIRECTORS MEETING

AUGUST 25, 2023

These minutes are supplemented by the audio recording that is posted online at:
<https://www.goldengate.org/district/board-of-directors/meeting-documents>

The Board of Directors (Board) of the Golden Gate Bridge, Highway and Transportation District (District) met in regular session at the Four Points by Sheraton, Marin Ballroom, 1010 Northgate Drive, San Rafael, CA, on Friday, August 25, 2023, at 10:02 a.m., with President Thériault presiding. A remote audio option for public participation was available.

- (1) **CALL TO ORDER:** President Michael Thériault.
- (2) **ROLL CALL:** Secretary of the District Amorette M. Ko-Wong. **[00:27 Minutes Mark on the Audio Recording]**

Directors Present (15): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

Directors Absent (4): Directors Conroy, Dorsey and Engardio; Second Vice President Hill.

Staff Present: General Manager Denis Mulligan; Auditor-Controller Joseph Wire; District Engineer Ewa Bauer-Furbush; Secretary of the District Amorette Ko-Wong; Attorney Kimon Manolius; Deputy General Manager/Bridge Division David Rivera; Deputy General Manager/Ferry Division Michael Hoffman; Deputy General Manager/Administration and Development Kellee Hopper; Executive Administrator to the General Manager Justine Bock; Senior Board Analyst Elizabeth Eells.

- (3) **PLEDGE OF ALLEGIANCE:** Director Dennis Rodoni **[01:07 Minutes Mark on the Audio Recording]**

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Copies of all reports are available on the District's web site at <https://www.goldengate.org/district/board-of-directors/meeting-documents> or upon request from the Office of the District Secretary.

(4) PUBLIC COMMENT: [01:34 Minutes Mark on the Audio Recording]

The following individuals spoke under Public Comment:

- Kymberlyrenée Gamboa, Sacramento County Resident (remotely)
- Dave Rhody, The Climate Reality Project (remotely)
- David Pilpel, San Francisco Resident (remotely)
- Robert Kaufman, Bus Operator (remotely)

[09:51 Minutes Mark on the Audio Recording]

President Thériault and General Manager Denis Mulligan thanked the speakers for their comments. Mr. Mulligan responded to the public comments. He confirmed that staff follows transit ridership, considers changes and looks at how marketing could assist riders to find suitable available alternatives such as ferries.

(5) CONSENT CALENDAR: [11:49 Minutes Mark on the Audio Recording]

Directors THIER/GARBARINO moved and seconded to approve the Consent Calendar. All items were approved by the following vote of the Board of Directors:

AYES (14): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSENT (5): Directors Conroy, Dorsey, Engardio and Safaí; Second Vice President Hill.

(A) Approve the Minutes of the following Meetings:

- (1) Rules, Policy and Industrial Relations Committee of July 27, 2023;
- (2) Finance-Auditing Committee of July 27, 2023; and,
- (3) Board of Directors of July 28, 2023.

Carried

(B) Ratification of Previous Actions by the Auditor-Controller

Resolution No. 2023-053 (as detailed in the August 24, 2023, Finance-Auditing Committee meeting)

- (1) Ratifies Commitments and/or Expenditures
- (2) Ratifies Previous Investments
- (3) Authorizes Reinvestments
- (4) Accepts Investment Report for July 2023

Adopted

[Director Safaí arrived.]

(6) REPORTS OF OFFICERS:

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(A) General Manager [12:48 Minutes Mark on the Audio Recording]

(1) Discussion and Possible Motion to Invite the Golden Gate Transit-Amalgamated Retirement Plan's Actuary to Present to the District's Board of Directors [12:55 Minutes Mark on the Audio Recording]

Mr. Mulligan presented the staff report.

[14:40 Minutes Mark on the Audio Recording]

President Thériault stated that he made the motion at the GGTARP Board of Trustees meeting to have the plan actuary present to the District Board of Directors, and the GGTARP would pay for that presentation. He spoke about the importance of learning about the plan and indicated he believes the presentation will bring some clarity regarding the plan's condition.

Directors PAHRE/GIUDICE moved and seconded to approve having the Golden Gate Transit-Amalgamated Retirement Plan (GGTARP) Actuary present GGTARP's 2023 Actuarial Valuation Report to the District's Board of Directors at its meeting in September 2023.

Director Pahre commented about which organization would pay for the presentation. She noted that the District has already made a strong commitment to hire a consultant, work with the union and study the pension plan. She indicated that she could support either the District or GGTARP paying for the cost of the presentation and suggested that the District be open to negotiation about which organization compensates the actuary.

President Thériault responded he did not know which approach would be preferred by GGTARP. He suggested that someone could make a motion to amend the original motion and add that 'if counsel deems it permissible, the District would make a contribution to pay for the actuary's presentation to the District.'

Directors HERNÁNDEZ/THIER moved and seconded to amend the original motion as outlined below under amendment. The original motion makers agreed to the amendment.

Director Snyder expressed appreciation to President Thériault and Mr. Mulligan for bringing forward the recommendation. He stated that he believes the presentation is very important and expressed support.

Director Garbarino expressed support for the presentation.

AMENDMENT

Directors HERNÁNDEZ/THIER moved and seconded to amend the original motion to add 'if counsel deems it permissible, the District would make a contribution to pay for the actuary's presentation to the District.'

Carried

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AYES (15): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSENT (4): Directors Conroy, Dorsey and Engardio; Second Vice President Hill.

Directors PAHRE/GIUDICE moved and seconded to approve having the Golden Gate Transit-Amalgamated Retirement Plan (GGTARP) Actuary to present GGTARP's 2023 Actuarial Valuation Report to the District's Board of Directors at its meeting in September 2023, and if counsel deems it permissible, the District would make a contribution to pay for the actuary's presentation to the District.

Carried

AYES (15): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSENT (4): Directors Conroy, Dorsey and Engardio; Second Vice President Hill.

(2) General Manager Report [20:47 Minutes Mark on the Audio Recording]

Mr. Mulligan presented the General Manager Report. He highlighted a few items in his report including: 1) upcoming Golden Gate Transit Roadeo and Safety Awards on Saturday, October 7, 2023 and invited Directors to attend the event; and 2) recognition of Daniel Ng and Eugenio Marollano for their District service.

[22:02 and 24:54 Minutes Mark on the Audio Recording]

Director Snyder inquired about the location of the Bus Roadeo.

Director Hernández acknowledged the Procurement Department for receiving the Achievement of Excellence in Procurement® Award and expressed appreciation for their work.

Director Moulton-Peters expressed appreciation to Mr. Mulligan and his team for the District's San Rafael Transit Center (SRTC) open house.

Mr. Mulligan responded to the Directors' comments and inquiry and confirmed that staff is doing a lot of community outreach related to the SRTC design, and would report about the results to the Transportation Committee in the future.

(B) Attorney [26:48 Minutes Mark on the Audio Recording]

Attorney Kimon Manolius presented the Attorney Report, which was for informational purposes only and no action was required.

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(C) District Engineer [27:03 Minutes Mark on the Audio Recording]

District Engineer Ewa Bauer-Furbush presented the District Engineer Report, which was for informational purposes only and no action was taken. She provided an update on a number of Engineering projects including the:

- Suicide Deterrent System
- Administration Building Elevator
- Administration Building Door and Window Rehabilitation
- Bridge Inspections
- Alexander Avenue
- Toll Plaza Pavement Overlay
- Golden Gate Ferry Fuel Tank Rehabilitation

(7) OTHER REPORTS:

There were no Other Reports to discuss.

(8) REPORT OF COMMITTEES:

**(A) Building and Operating Committee/Committee of the Whole [32:47 Minutes Mark on the Audio Recording]
August 24, 2023
Chair Patricia Garbarino**

President Thériault stated that the Building and Operating Committee met and had considerable discussion the day before.

(1) Approve Actions Relative to Procurement and Implementation of e-Builder Construction Project Management Software for the Golden Gate Suspension Bridge Seismic Retrofit Project [33:01 Minutes Mark on the Audio Recording]

[Director Thier stated that she has a conflict of interest, recused herself and would not be voting on this item.]

Directors GARBARINO/MASTIN

Resolution No. 2023-054 approves the following actions relative to procurement and implementation of a construction project management software for the *Golden Gate Suspension Bridge Seismic Retrofit Project* (Project #1923):

- (a) Authorizes award of Contract No. 2023-B-054, *Construction Project Management Software*, to e-Builder, Inc., in a total not-to-exceed amount of \$375,323 to implement construction management software and provide licenses for 50 users for a term of one year, with options for an additional four years, with the understanding that sufficient funds are available in the FY 23/24 Bridge Division Capital Budget for Project #1923 to finance the

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\$49,129 software implementation fee and the first year \$59,033 licensing fee for the total of \$108,162; and that the licensing fees for the second through fifth year will be budgeted in the future year Project budgets; and,

- (b) Authorizes execution of the Twelfth Amendment to Professional Services Agreement No. 2010-B-1 with HRD Engineering Inc., in an amount not-to-exceed \$399,637 to assist Engineering staff with custom configuration of the software modules and to provide staff training relative to the specific project application of the software, and to approve a contingency for this amendment in an amount of \$40,000, for the total of \$439,637, with the understanding that sufficient funds are available in the FY 23/24 Bridge Division Capital Budget for Project #1923 to finance the Twelfth Amendment and its contingency.

Adopted

AYES (13): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, and Snyder; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSTENTION (1): Director Thier.

ABSENT (5): Directors Conroy, Dorsey, Engardio and Stefani; Second Vice President Hill.

- (2) **Approve Actions Relative to Professional Service Agreement (PSA) No. 2014-FT-13, Wetland Restoration Design and Permitting Support Services Project, with WRA, Inc.** [35:34 Minutes Mark on the Audio Recording]

Director Thier stated that the day before, she had thought she had a conflict of interest on this item, but since that time, she has discovered she does not have a conflict of interest.

Directors GARBARINO/COCHRAN moved and seconded the original action as outlined in the Building and Operating Committee staff report.

Director Thier reviewed a point made by Director Pahre about the possible application of an herbicide at the Corte Madera Ecological Reserve (CMER) site at the Building and Operating Committee meeting of August 24, 2023. She stated that she would like to propose a friendly amendment. She said that WRA has a plan to remove invasive species including pampas grass at the site and could use a pesticide to achieve that goal.

Directors THIER/MOULTON-PETERS proposed a friendly amendment to the motion that WRA would treat the invasive plants as allowed by the Marin County Integrated Pest Management (IPM) principles.

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Director Rabbitt inquired about whether WRA would already be following the Marin IPM protocol because the land is located in Marin County.

Director Thier responded that the CMER is owned by the District and as a result, WRA does not have to follow the Marin IPM.

Director Rodoni confirmed that the Marin IPM only applies to Marin County Parks, and Marin County facilities. He added the protocol is followed by others.

Ms. Bauer-Furbush stated that the consultant would follow the District's and County's direction.

Director Thier quoted from the staff report:

“...between 2025 and 2027... The follow up treatment will include manual removal of smaller plants and herbicide application for larger resprouts within each management area.”

She expressed her opinion that the District could have WRA follow Marin IPM protocols.

Director Pahre stated that she is against using Roundup and asked about the possibility of stating that WRA has to follow certain rules. If for some reason WRA has to use a pesticide, staff could report to the Board and give the Board the opportunity to stop the use of the pesticide.

Mr. Mulligan stated that staff have negotiated a contract and the Board can approve it or not. He spoke about the environmental timeframe in which the work has to be completed. He encouraged the Board to take action on the contract so the work could be done in the appropriate time period. He noted that pesticides are not scheduled to be used for two years, and staff could return to the Board before that time and request direction.

President Thériault asked Director Thier if she wants to continue with her amendment as originally presented.

Director Thier confirmed that she wants to continue with her amendment as presented. She said that WRA is a Small Business Enterprise (SBE) and contract termination would be a major challenge. She emphasized that she believes the amendment is minor and WRA would accept the change. She spoke about the possibility that the pesticide could harm the wetland and life it supports. She reviewed the value of following Marin IPM practices.

Director Mastin expressed support for the amendment. He wondered whether staff would be able to renegotiate the contract, and WRA would support the change and complete the work during the environmental timeframe.

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Attorney Manolius stated that the District has negotiated a contract with WRA, and if the Board votes differently, the Board would be rejecting that contract. He said that he believes the vote would be to reject and renegotiate the contract.

President Thériault proposed continuing the item for one month.

Ms. Bauer-Furbush stated that if the Board waits a month the contractor will lose important time in which to do the work. She said that the Board could approve the contract with the condition that prior to use of any chemicals that staff would seek Board approval.

Attorney Manolius stated that the District has accepted a contract with WRA, and if Board votes differently, the contract would require an amendment. He said that the Board could terminate the contract before pesticides are used.

Director Moulton-Peters spoke about the Marin IPM protocol, which states that people should use the most benign approach to eradicate unwanted plants, and then, after the more benign methods have failed, they can utilize a pesticide. She asked why the Board cannot add that the contract is approved with the understanding that Marin IPM protocol would be followed.

Ms. Bauer-Furbush confirmed that staff could direct the contractor, WRA, to handle the work in a specific way.

Attorney Manolius confirmed that the District could approve the contract as presented today, and negotiate an amendment with WRA. If the amendment is not accepted by WRA, the District could terminate the contract in two years.

President Thériault asked whether termination would interfere with the project timeline.

Mr. Mulligan stated that the Board could approve the contract today, have staff report back after a year, and report again six months before any herbicides are used. At that point, the District could either negotiate an amendment for a different approach to the work or terminate the contract.

Director Snyder inquired about the possibility of changing the District's policy regarding the use of pesticides to require all contracts to follow the Marin IPM protocol.

Attorney Manolius stated that the WRA contract has already been negotiated.

Director Thier inquired about the Board voting to accept the contract through an amended action. She respectfully asked the Board to approve the contract with her proposed amendment and have staff renegotiate the contract change with WRA.

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Ms. Bauer-Furbush stated the Board could approve the item today, and then, staff could negotiate an amendment related to the Marin IPM protocol.

Mr. Mulligan added that the Board could approve the contract with the understanding that staff would negotiate an amendment that is consistent with the Marin County IPM protocol and return to the Board for approval of the Amendment next month.

Directors THIER/MOULTON-PETERS agreed to amend their amendment to approve the contract and have staff negotiate an amendment with WRA that follows the Marin County Integrated Pest Management (IPM) protocol.

Director Hernández expressed appreciation for Director Thier's research and efforts to find a solution to a potential issue, Mr. Mulligan's suggestions to evolve the amendment and those present for the discussion. She expressed her view that the District does not want to hurt any species including people.

Director Garbarino expressed appreciation for all those who participated in the discussion and helped reach a better solution. She expressed support for Director Snyder's idea to have a District IPM policy.

Director Mastin stated that the amendment could be withdrawn and restated. President Thériault confirmed that the amendment is fine.

Director Snyder inquired about San Francisco's IPM policies.

Director Safaí said that he believes San Francisco has a herbicide policy. He and Director Stefani said they would investigate further.

Director Rodoni expressed support for Mr. Mulligan's proposal. He added that the Marin IPM does allow pesticides to be used as a last resort.

Director Rabbitt stated that Sonoma County has a similar policy.

Director Pahre expressed appreciation for the discussion and Mr. Mulligan's proposal. She said she would trust the process and anticipate the Board would have an opportunity to participate when appropriate. She expressed support for a District IPM policy.

Director Thier stated that this discussion would have been conducted in the Building and Operating Committee but at the time, she thought she had a conflict of interest. She spoke about a possible District IPM policy that would include a ban on the use of herbicides on District-owned land and expressed interest in working with Directors and staff on this proposed policy.

Ms. Ko-Wong and Mr. Mulligan restated Directors Thier and Moulton-Peters' proposed amendment as outlined below.

Directors THIER/MOULTON-PETERS moved and second to amend the original motion, and add “with the understanding that staff will negotiate an amendment with WRA to follow the County of Marin Integrated Pest Management (IPM) principles and return to the Board to approve that amendment next month.”

Carried

AYES (15): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSENT (4): Directors Conroy, Dorsey and Engardio; Second Vice President Hill.

Directors GARBARINO/MASTIN

Resolution No. 2023-055 approves actions relative to Professional Services Agreement (PSA) No. 2014-FT-13, *Wetland Restoration Design and Permitting Support Services Project*, with WRA, Inc. (WRA), as follows:

- (a) Authorize the execution of the Sixth Amendment to PSA No. 2014-FT-13, in an amount not-to-exceed \$579,985, for invasive weed control associated with the Corte Madera Marsh Restoration Construction Project (Project #2041);
- (b) Authorizes a contingency for this amendment in the amount of \$58,000, equal to 10% of the amendment amount; and,
- (c) Authorizes an increase in the amount of \$165,485 in the FY 2023/24 Ferry Division Capital Budget for Project #2041, for a revised total project budget of \$3,205,485 to be financed from the District reserves.
- (d) Directs staff to negotiate an amendment with WRA that they will follow the County of Marin Integrated Pest Management policies and return to the Board to approve that amendment.

with the understanding that staff will negotiate an amendment with WRA to follow the County of Marin’s Integrated Pest Management principles.

Adopted

AYES (15): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSENT (4): Directors Conroy, Dorsey and Engardio; Second Vice President Hill.

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Chair Garbarino encouraged the Board to attend the Bus Rodeo.

Director Hernández stated that as Chair of the Rules, Policy and Industrial Relations Committee she would welcome a discussion about an updated District IPM policy in the Committee.

**(B) Meeting of the Finance-Auditing Committee/Committee of the Whole [1:06:27 Hour Mark on the Audio Recording]
August 24, 2023
Chair David Rabbitt**

(1) Authorize Budget Increase in the FY 23/24 Bridge Division Capital Budget for Project #1923, Golden Gate Suspension Bridge Seismic Retrofit [1:06:41 Hour Mark on the Audio Recording]

Directors RABBITT/GIUDICE

Resolution No. 2023-056 authorizes the following actions relative to Project #1923, *Golden Gate Suspension Bridge Seismic Retrofit – Phase IIIB CM/GC*, as follows:

- (a) Rename Project #1923 in the FY 23/24 Bridge Division Capital Budget to the *Golden Gate Suspension Bridge Seismic Retrofit*; and,
- (b) Authorize an increase in the FY 23/24 Bridge Division Capital Budget, in the amount of \$1,443,663, for Project #1923, *Golden Gate Suspension Bridge Seismic Retrofit*, to be funded with 100% unspent Federal Highway Administration funds from Projects #9102 and #9206 (Seismic Retrofit 3 Design and 3A Construction, respectively).

Adopted

AYES (15): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSENT (4): Directors Conroy, Dorsey and Engardio; Second Vice President Hill.

**(C) Rules, Policy and Industrial Relations Committee/Committee of the Whole [1:08:31 Hour Mark on the Audio Recording]
August 24, 2023
Chair Sabrina Hernández**

(1) Approve an Enhanced Vacation Accrual Policy for Engineering Inspector Classifications [1:08:38 Hour Mark on the Audio Recording]

Directors HERNÁNDEZ/THIER

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Resolution No. 2023-057 approves implementation of an enhanced Vacation Accrual Policy in the Engineering Department, as follows:

“Employees in the Engineering Department, within the Inspector classifications, shall accrue paid vacation up to a maximum of 30 days at the following accrual rates, based on certified relevant years of work experience in the industry either at the Golden Gate Bridge, Highway and Transportation District (District) or in positions prior to District employment:

First through fourth year of certified experience in the industry - 10 days;

Fifth through tenth year - 15 days;

Eleventh through twentieth year - 20 days;

Twenty-first through twenty-ninth years - 25 days;

Twenty-nine years thereafter - 30 days.”

Adopted

AYES (15): Directors Garbarino, Giudice, Grosboll, Hernández, Mastin, Moulton-Peters, Pahre, Rabbitt, Rodoni, Safaí, Snyder, Stefani and Thier; First Vice President Cochran; President Thériault.

NOES (0): None.

ABSENT (4): Directors Conroy, Dorsey and Engardio; Second Vice President Hill.

(9) ADDRESSES TO BOARD:

There were no Addresses to Board.

(10) SPECIAL ORDER OF BUSINESS:

There was no Special Order of Business.

(11) UNFINISHED BUSINESS:

There was no Unfinished Business.

(12) NEW BUSINESS:

There was no New Business.

(13) COMMUNICATIONS:

There were no Communications.

(14) ADJOURNMENT: [1:10:19 Hour Mark on the Audio Recording]

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All business having been concluded Directors PAHRE/GIUDICE moved and seconded that the meeting be adjourned in honor of Eileen Cunningham and Jeanette Mason at 11:13 a.m.

Carried

Respectfully submitted,



Amorette M. Ko-Wong
Secretary of the District

AMK:EIE:tnm