

1 [Third Amendment to Memorandum of Agreement with the San Francisco County
2 Transportation Authority Relating to Yerba Buena Island Ramps - Not to Exceed \$18,830,000]

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4 **Resolution approving a Third Amendment to the Memorandum of Agreement between**
5 **the Treasure Island Development Authority and the San Francisco County**
6 **Transportation Authority for project management services and consultant services for**
7 **the preparation of a project report and environmental document for the Yerba Buena**
8 **Island Ramps to amend the scope of work and increase the not to exceed budget to**
9 **\$18,830,000.**

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11 WHEREAS, Treasure Island was selected for closure and disposition by the Base
12 Realignment and Closure Commission in 1993, acting under Public Law 101-510, and its
13 subsequent amendments; and,

14 WHEREAS, On May 2, 1997, the Board of Supervisors passed Resolution No. 380-97,
15 authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit
16 corporation known as the Treasure Island Development Authority ("TIDA") to act as a single
17 entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and
18 conversion of former Naval Station Treasure Island (the "Base") for the public interest,
19 convenience, welfare and common benefit of the inhabitants of the City and County of
20 San Francisco; and,

21 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended
22 Section 33492.5 of the California Health and Safety Code and added Section 2.1 to Chapter
23 1333 of the Statutes of 1968 (the "Act"), the California legislature (i) designated TIDA as a
24 redevelopment agency under California redevelopment law with authority over the Base upon
25 approval of the City's Board of Supervisors, and, (ii) with respect to those portions of the Base

1 which are subject to the Tidelands Trust, vested in TIDA the authority to administer the public
2 trust for commerce, navigation and fisheries as to such property; and,

3 WHEREAS, The Board of Supervisors approved the designation of TIDA as a
4 redevelopment agency for Treasure Island in 1998; and,

5 WHEREAS, The United States Navy currently owns the on- and off-ramp connections
6 to Yerba Buena Island from Interstate 80, the San Francisco-Oakland Bay Bridge, and,
7 because Federal law prohibits the Navy from "improving" surplus property, the Navy cannot
8 repair or replace the ramps as part of the transfer of the Base property to TIDA; and,

9 WHEREAS, Current State designs for the new Eastern Span of the Bay Bridge
10 ("Eastern Span") include construction of one new ramp connecting the Bay Bridge to Yerba
11 Buena Island and reuse of three other existing ramps that do not meet current State design
12 and safety standards; and,

13 WHEREAS, An October 2003 Memorandum of Understanding between TIDA and the
14 State, acting through Caltrans, indicated that, among other things, (i) the State and City
15 agreed to seek and support any legislative changes necessary to provide for State ownership
16 of all connections to the Eastern Span, and (ii) the State agreed to ensure that there are safe
17 and reliable connections between the Eastern Span and Yerba Buena Island in both
18 eastbound and westbound directions, consistent with State design standards; and,

19 WHEREAS, In October 2007, the Governor signed Senate Bill 163, which: (i) requires
20 Caltrans to work in cooperation with TIDA and the San Francisco County Transportation
21 Authority ("SFCTA") on the design and engineering of replacement ramps connecting Yerba
22 Buena Island to the Bay Bridge and to ensure that the design of the ramps is compatible with
23 the design of the new Eastern Span; (ii) authorizes Caltrans, upon the transfer of the ramp
24 connections from the Federal Government to TIDA, to accept from TIDA title, easements, and
25 other interests in land necessary for the State to own and operate one or more of the ramps;

1 (iii) makes transfer of a ramp from TIDA to the State contingent upon completion of work on
2 the ramp in accordance with specified standards; and (iv) requires (1) a Project Study Report
3 ("PSR") on the reconstruction of the Yerba Buena Island ramps to be finalized by
4 December 31, 2008, (2) the SFCTA to be the lead agency for the development of the PSR,
5 and (3) the SFCTA to work in coordination with TIDA, the Office of Economic and Workforce
6 Development ("OEWD"), and the Bay Area Toll Authority; and,

7 WHEREAS, The PSR for the Yerba Buena Island ramps, which was prepared by the
8 SFCTA in coordination with TIDA, OEWD and Caltrans, was approved and signed by Caltrans
9 District 04 on December 19, 2007; and,

10 WHEREAS, The PSR evaluates several ramp design alternatives and recommends
11 two project alternatives, and a no-build alternative, to be further studied and analyzed in the
12 Project Report and Environmental Document ("PR-ED") phase of the proposed improvement
13 or replacement of the Yerba Buena Island ramps (the "YBI Ramps Project"); and,

14 WHEREAS, The project development process for the YBI Ramps Project consists of a
15 two-phase effort with Phase 1 consisting of conceptual engineering and the PR-ED, and
16 Phase 2 being the final design and preparation of Plans, Specifications/Special Provisions
17 and Estimate ("PS&E"); and,

18 WHEREAS, Completion of the PR-ED on a timely basis is imperative so that the new
19 ramp designs can be incorporated into the Eastern Span Seismic Safety Project ("ESSSP")
20 for the Bay Bridge; and,

21 WHEREAS, Article V, Section 2(k) of TIDA's Bylaws authorizes TIDA to contract with
22 governmental agencies, including without limitation, any department, commission or agency of
23 the City, for the performance of services in furtherance of and related to the purposes of TIDA;
24 and,

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1 WHEREAS, TIDA has asked the SFCTA, in its capacity as the City's Congestion
2 Management Agency, to (i) lead the effort to prepare and obtain approval of the PR-ED for the
3 YBI Ramps Project and (ii) provide the upfront funding for the staff and consultant costs
4 related to this effort; and,

5 WHEREAS, On May 13, 2008 at a properly noticed public meeting, the Board of
6 Supervisors adopted Resolution No. 228-08 approving a Memorandum of Agreement
7 between TIDA and the SFCTA under which (i) the SFCTA provides staff support and project
8 management oversight in connection with the YBI Ramps Project and entered into a contract
9 with the consultant selected through a Request for Proposals for preparation of the PR-ED,
10 and (ii) TIDA will reimburse the SFCTA for the administrative, project management and
11 consultant costs incurred by SFCTA relating to the YBI Ramps Project and the completion of
12 the PR-ED in an amount not to exceed \$3,000,000, together with interest on such
13 reimbursable costs at the City Treasurer's Pooled Investment Fund rate or the SFCTA's
14 borrowing rate, whichever is applicable; and,

15 WHEREAS, The Memorandum of Agreement was amended pursuant to a First
16 Amendment dated May 20, 2009 to revise the scope of work and increase the not to exceed
17 budget to \$8,800,000; and,

18 WHEREAS, TIDA and the SFCTA staff have been in negotiations with Caltrans on two
19 distinct Cooperative Agreements between the SFCTA and Caltrans relating to (i) Caltrans'
20 issuance of an addendum to the contract for the Yerba Buena Island Transition Structure
21 ("YBITS") for the steel and concrete necessary to connect the new westbound ramps to the
22 YBITS, and (ii) reimbursement of Caltrans for oversight work relating to the YBI Ramps
23 Project that is above and beyond typical Caltrans oversight work for a locally led project due
24 to the additional oversight necessary to connect the ramps to a high profile lifeline seismic
25 bridge structure; and,

1 WHEREAS, The Memorandum of Agreement was amended pursuant to a Second
2 Amendment dated October 28, 2009 that adjusted the scope of work under the Memorandum
3 of Agreement to reflect the Caltrans Cooperative Agreements without increasing the
4 \$8,800,000 not to exceed amount; and,

5 WHEREAS, TIDA and the SFCTA have negotiated a Third Amendment to the
6 Memorandum of Agreement ("Third Amendment") that (i) revises the scope of services and
7 budget to include all necessary project management and oversight, design and engineering
8 activities to complete Phase 2 of the YBI Ramps Project and all phases of the design,
9 engineering and environmental review for the retrofit of nine YBI viaduct structures on
10 Treasure Island Road, and (ii) increases the total not to exceed amount of the Memorandum
11 of Agreement to \$18,830,000, plus accrued interest; and,

12 WHEREAS, TIDA and the SFCTA anticipate that approximately \$9,543,000 of the
13 \$18,830,000 not to exceed amount of the Memorandum of Agreement will be reimbursed to
14 the SFCTA from the federal Highway Bridge Program or other state or federal funds, with
15 TIDA being responsible for reimbursement to the Authority of the remaining \$9,287,000 to
16 cover costs not covered by state or federal funds or the federal grant local matching funds
17 requirements; and,

18 WHEREAS, On June 9, 2010 at a properly noticed meeting, the TIDA Board of
19 Directors approved the Third Amendment and authorized the Treasure Island Redevelopment
20 Project Director to execute the Third Amendment, subject to Board of Supervisors approval;
21 and,

22 WHEREAS, On June 22, 2010 at a properly noticed meeting, the SFCTA Commission
23 approved the Third Amendment and authorized the Executive Director of the SFCTA to
24 execute the Third Amendment; and,

1 WHEREAS, TIDA's organizational documents require the Board of Supervisors'
2 approval of any contract that TIDA enters into prior to the adoption of a redevelopment plan
3 for the Base if the value of the contract is worth more than \$1,000,000 or has a term of ten
4 years or more; and,

5 WHEREAS, The Memorandum of Agreement is a contract for an amount in excess of
6 \$1,000,000; now, therefore, be it

7 RESOLVED, That the Board of Supervisors hereby approves the Third Amendment to
8 the Memorandum of Agreement with the SFCTA for project management services and
9 consultant services in connection with the preparation of a PR-ED, preliminary engineering
10 and Caltrans oversight for the YBI Ramps Project in an amount not to exceed \$18,830,000,
11 plus accrued interest, in substantially the form filed with the Clerk of the Board in File No.
12 _____, and any additions, amendments or other modifications to the Third
13 Amendment (including, without limitation, its exhibits) that the Treasure Island Redevelopment
14 Project Director determines, in consultation with the City Attorney, are in the best interests of
15 TIDA and do not otherwise materially increase the obligations or liabilities of TIDA, and are
16 necessary or advisable to effectuate the purpose and intent of this resolution.

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18 **RECOMMENDED:**

19 TREASURE ISLAND DEVELOPMENT AUTHORITY

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21 By:

Jack Sylvan
Treasure Island Redevelopment Project Director

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