

1 [Memorandum of Agreement between the Treasure Island Development Authority and the
2 San Francisco County Transportation Authority relating to Yerba Buena Island Ramps]

3 **Resolution authorizing a Memorandum of Agreement between the Treasure Island**
4 **Development Authority and the San Francisco County Transportation Authority for**
5 **project management services and consultant services for the preparation of a Project**
6 **Report and Environmental Document for the Yerba Buena Island Ramps in an amount**
7 **not to exceed \$3,000,000.**

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

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

19 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended
20 Section 33492.5 of the California Health and Safety Code and added Section 2.1 to Chapter
21 1333 of the Statutes of 1968 (the "Act"), the California legislature (i) designated TIDA as a
22 redevelopment agency under California redevelopment law with authority over the Base upon
23 approval of the City's Board of Supervisors, and, (ii) with respect to those portions of the Base
24 which are subject to the Tidelands Trust, vested in TIDA the authority to administer the public
25 trust for commerce, navigation and fisheries as to such property; and,

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

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

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

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

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

1 ("PSR") on the reconstruction of the Yerba Buena Island ramps to be finalized by
2 December 31, 2008, requires the SFCTA to be the lead agency for the development of the
3 PSR, and requires the SFCTA to work in coordination with TIDA, the Office of Economic and
4 Workforce Development ("OEWD"), and the Bay Area Toll Authority; and,

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

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

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

16 WHEREAS, Completion of the PR and ED on a timely basis is imperative so that the
17 new ramps designs can be incorporated into the Eastern Span Seismic Safety Project for the
18 Bay Bridge; and,

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

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

3 WHEREAS, SFCTA issued a Request for Proposals (RFP 07/08-03) dated March 7,
4 2008 (the "RFP"), for professional consultant services to provide the necessary engineering
5 and environmental services to prepare the PR and ED and obtain the environmental
6 clearance and project approval of the YBI Ramps Project; and,

7 WHEREAS, TIDA is seeking approval of a Memorandum of Agreement between TIDA
8 and the SFCTA under which (i) the SFCTA will provide staff support and project management
9 oversight in connection with the YBI Ramps Project and enter into a contract with the
10 consultant selected under the RFP for preparation of the PR/ED, and (ii) TIDA will reimburse
11 the SFCTA for the administrative, project management and consultant costs incurred by
12 SFCTA relating to the YBI Ramps Project and the completion of the PR/ED in an amount not
13 to exceed \$3,000,000, together with interest on such reimbursable costs at the City
14 Treasurer's Pooled Investment Fund rate or the SFCTA's borrowing rate, whichever is
15 applicable; and,

16 WHEREAS, On April 9, 2008 at a properly noticed meeting, the TIDA Board of
17 Directors authorized the President of the TIDA Board of Directors or her designee to execute
18 the Memorandum of Agreement; and,

19 WHEREAS, On April 15, 2008 at a properly noticed meeting, the SFCTA Commission
20 authorized the Executive Director of the SFCTA to execute the Memorandum of Agreement;
21 and,

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

1 WHEREAS, The Memorandum of Agreement is a contract for an amount in excess of
2 \$1,000,000; now, therefore, be it

3 RESOLVED, That the San Francisco Board of Supervisors hereby approves the
4 Memorandum of Agreement between TIDA and the SFCTA for project management services
5 and consultant services in connection with the preparation of a PR and ED for the YBI Ramps
6 Project in an amount not to exceed \$3,000,000, plus accrued interest; and,

7 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby
8 authorizes the President of the TIDA Board of Directors or her designee to execute and enter
9 into the Memorandum of Agreement in substantially the form filed with the Clerk of the Board
10 in File No. _____, and any additions, amendments or other modifications to such
11 amendment (including, without limitation, its exhibits) that the President of the TIDA Board of
12 Directors or her designee determines, in consultation with the City Attorney, are in the best
13 interests of TIDA and do not otherwise materially increase the obligations or liabilities of TIDA,
14 and are necessary or advisable to effectuate the purpose and intent of this resolution.

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