

BOARD OF DIRECTORS MEETING

MINUTES

REGULAR MEETING
Thursday, October 18, 2018
1:30PM

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER

The regular meeting of the Delta Conveyance Design and Construction Authority (DCA) Board of Directors was called to order in the Sacramento Public Library, Tsakopoulos Library Galleria, 828 I Street, Sacramento, CA 95814, at 1:30 p.m.

2. ROLL CALL

Board members in attendance were Tony Estremera, Steve Arakawa (Alternate for Richard Atwater), Steve Blois, and Sarah Palmer constituting a quorum of the Board.

Staff members in attendance were Jill Duerig, Stefanie Morris, June Skillman, Pete Wiseman and Adrian Brown.

3. CLOSED SESSION

4. PLEDGE OF ALLEGIANCE/NATIONAL ANTHEM

President Estremera convened the open session at approximately 2:00 p.m. and led all present in reciting the Pledge of Allegiance.

5. REPORT OUT OF CLOSED SESSION

a. Conference with Legal Counsel - Significant exposure to litigation pursuant to Gov't Code section 54956.9(d) (2):

- i. **Delta Stewardship Council California WaterFix Consistency Determination**
- ii. **Food and Water Watch and Center for Food Safety v. Metropolitan Water District of Southern California, Case No. BC720692.**

There were no reportable actions taken.

b. **Public Employee Appointment - Pursuant to Government Code Section 54957. Title: Executive Director**

Ms. Morris reported that the Interim Executive Director determined there is no need to form an ad hoc committee to assist with the search for the Executive Director.

6. PUBLIC COMMENT

President Estremera opened public comment, limiting speaking time to three minutes each.

President Estremera noted that he had not received any written correspondence or emails with public comments.

There were two verbal comments from the public.

Mr. Seth Jayne, President, Sierra Geotech expressed support for mandatory DBVE participation goals for procurement of professional engineering services contracts.

Mr. Shaun Vemuri, Geotechnical Engineering Principal, Sierra Geotech expressed support for mandatory DBVE participation goals for procurement of professional engineering services contracts.

President Estremera closed Public Comment.

7. APPROVAL OF MINUTES: September 20, 2018 Regular Board Meeting

Recommendation: Approve minutes of the September 20, 2018 Regular Board Meeting

Move to Approve Minutes with changes, as noted: Palmer

Second: Blois

Yeas: Estremera, Arakawa, Blois and Palmer

Nays: None

Abstains: None

Recusals: None

Absent: None

Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as MO 18-10-01)

8. CONSENT CALENDAR

Recommendation: Move to approve amendments to JEPA

Director Estremera moved this item off consent and asked staff for an overview of the amendments.

Ms. Morris provided an overview of the detailed staff report and explained why each amendment was necessary.

Move to Approve amendments to JEPA, as noted: Blois

Second: Palmer

Yeas: Estremera, Arakawa, Blois and Palmer

Nays: None

Abstains: None

Recusals: None

Absent: None

Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as MO 18-10-02)

9. DISCUSSION ITEMS:

a. Consider Passing Resolution to obtain Geotechnical Engineering Professional Services.

Recommendation: Authorize the Executive Director to negotiate and execute a professional services agreement with Fugro for a five year term in an amount not to exceed \$75 million dollars, for Phase 2A only.

Mr. Adrian Brown, Interim Procurement Manager, gave a presentation describing the professional service agreement for Geotechnical Services, Phase 2A only. Director Blois requested clarification regarding the selection committee. Mr. Brown noted that the recommendations were vetted by the selection committee.

Ms. Duerig stated that to date this Board has not yet adopted a policy on SB/DVBE and indicated that a policy is being drafted and she expects to bring to the Board by the end of the year.

President Estremera requested a workshop on the procurement process that would provide an overview of existing procurement processes.

President Estremera accepted questions and comments from the public.

Mr. Vemuri again stated his support for a mandatory 3% goal for SBE/DVBE.

Director Blois commented on SB/DVBE goals, in general, and cautioned against “a one size fits all” structure.

Move to Approve Fugro for Geotechnical Engineering Professional Service agreement, as noted: Palmer
 Second: Blois
 Yeas: Estremera, Arakawa, Blois and Palmer
 Nays: None
 Abstains: None
 Recusals: None
 Absent: None
 Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 18-11)

b. Consider Passing Resolution to obtain Real Estate (RE) Professional Services.

Recommendation: Authorize the Executive Director to negotiate and execute three Real Estate professional service agreements.

Mr. Peter Wiseman, Interim Property Acquisition Manager, provided a presentation for three Real Estate professional service agreements as outlined below:

- Associated Right of Way Services 7-year term NTE: \$9 million dollars
- Hamner Jewell Associates 7-year term NTE: \$9 million dollars
- Bender Rosenthal 7-year term NTE: \$9 million dollars

The total for all three contracts is an amount not to exceed \$27 million dollars.

Director Palmer requested that in the future, the scope of work be presented with the professional services presentations for additional clarity.

Ms. Duerig outlined the contracting process by explaining that the work will be commenced with task orders and only to the extent that the budgets have been approved by this Board.

Move to Approve three for Real Estate (RE) Professional Service agreements,
as noted: Blois
Second: Palmer
Yeas: Estremera, Arakawa, Blois and Palmer
Nays: None
Abstains: None
Recusals: None
Absent: None
Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 18-12)

c. Consider Passing Resolution to obtain Survey, Mapping, Title and Right of Way Engineering Professional Services

Recommendation: Authorize the Executive Director to negotiate and execute three professional service agreements for Survey, Mapping, Title and Right of Way Engineering Professional Services (ROW).

Mr. Peter Wiseman, Interim Property Acquisition Manager, presented for three professional service agreements for Survey, Mapping, Title and Right of Way Engineering Professional Services (ROW) as detailed below:

- PSOMAS 7-year term NTE: \$15 million dollars
- Michael Baker International 7-year term NTE: \$ 8 million dollars
- Hernandez Kroone Assoc. 7-year term NTE: \$ 2 million dollars

Professional Service Agreements for all three contracts combined will not exceed 25 million dollars.

Director Blois queried why the contract amounts varied between the three companies. Mr. Wiseman explained that the variations correspond to their evaluation scores and area of expertise.

Move to authorize and negotiate three Survey, Mapping, Title and Right of Way Engineering Professional Service agreements, as noted: Blois
Second: Palmer
Yeas: Estremera, Arakawa, Blois and Palmer
Nays: None
Abstains: None
Recusals: None
Absent: None

Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 18-13)

10. STAFF REPORTS AND ANNOUNCEMENTS

a. Executive Director Report

A written report was provided in the Board package. President Estremera was optimistic that there were two great options available.

b. General Counsel Report

A written report was provided in the Board package. Director Palmer asked how many Public Records Act (PRA) requests have been received. Ms. Morris responded that to date two PRA requests had been received. Ms. Morris noted that she is working with staff to develop an efficient process to respond to PRA requests to make the process efficient.

c. Treasurer's Report

A written report was provided in the Board package. The Board had no additional questions or comments.

d. Verbal Reports

Ms. Duerig expressed gratitude for the transition staff. She reiterated that a policy for SBE/DVBE goals is in process and will be presented by end of year. She also indicated that a budget update is underway and anticipates presenting it to the Board by end of year.

Director Palmer asked how the search is going for a permanent location is going. Ms. Duerig indicated that the choice is now between two locations, and that transition staff is working closely with a local commercial property agent on layouts of the two different locations, to determine which would be the best fit.

11. FUTURE AGENDA ITEMS:

President Estremera indicated that on November 15, 2018 a full day meeting on the Executive Director recruitment. Ms. Morris indicated that this will be done in Closed Session, with report out only if any action is taken. Director Blois clarified that the Open General Session will still be scheduled on November 15th at 2:00 p.m.

12. ADJOURNMENT:

The next meeting of the DCA will be held on November 15, at 2 p.m. in the Sacramento Public Library, Tsakopoulos Library Galleria, 828 I Street, Sacramento.

President Estremera adjourned the meeting at 2:40 p.m.