



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 15, 2010

SUBJECT: Woodland-Davis Clean Water Agency Board of Directors Meeting
Minutes for April 2010

Report in Brief

Attached are the April 15, 2010 Woodland-Davis Clean Water Agency Board of Directors Meeting Minutes. These minutes were approved at the May 20, 2010 meeting.

Background

The Woodland-Davis Clean Water Agency meets monthly and takes action to approve minutes from the prior meeting. Meeting Minutes are then shared with the City Councils and governing boards of Partner and Participating Agencies and interested stakeholders.

Recommendation for Action

No action required. For information only.

Prepared by: Dick Donnelly, P.E.
Deputy Public Works Director

Reviewed by: Gregor G. Meyer
Public Works Director

Mark G. Deven
City Manager

Attachments: April 15, 2010 Woodland-Davis Clean Water Agency Board of Directors Meeting
Minutes



W O O D L A N D - D A V I S
Clean Water Agency

A Partnership for a Sustainable Future

**WOODLAND-DAVIS CLEAN WATER AGENCY
BOARD OF DIRECTORS**

Minutes of the April 15, 2010 Board Meeting

The Board of Directors of the Woodland-Davis Clean Water Agency (WDCWA) met in regular session beginning at 2:00 p.m. in the Woodland City Council Chambers, 300 First Street, Woodland, California.

CALL TO ORDER

The meeting was called to order by Chair William Marble. Directors Don Saylor and Steve Souza were present. Director Martie Dote came in after the Call to Order.

1. **CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATION CONCERNING PRICE AND TERMS OF PAYMENT FOR POTENTIAL REAL PROPERTY ACQUISITION RELATING TO WATER DIVERSION/INTAKE FACILITY SITES LOCATED ON THE WEST BANK OF THE SACRAMENTO RIVER JUST UPSTREAM FROM THE I-5 BRIDGE. AGENCY NEGOTIATOR – TECHNICAL COMMITTEE; OTHER NEGOTIATING PARTIES – RD 2035, CONWAY PRESERVATION GROUP, AND WOODLAND DEVELOPMENT COMPANY.**

The Board cancelled the closed session discussion for this meeting.

2. **APPROVAL OF REGULAR MEETING AGENDA**

The agenda was approved by consensus.

3. **PUBLIC COMMENT**

Vijay Kumar, Davis resident, stated his opinion regarding the use of Ranney Collectors in the project. He said they were not suitable or feasible for this project due to the clay soil and the large size of the project.

4. **BOARD/STAFF GENERAL DISCUSSION**

Chair Marble stated that on Monday he and Mayor Davies and two Public Works Department staff attended a meeting with officials of the Regional Water Control Board. He said they had a lengthy discussion about the necessity of procuring river water to satisfy the discharge permits and they made it clear that there was really no viable alternatives other than to continue with this costly project. It was good to establish a relationship as elected officials with key people from the regional Board.

Chair Marble said he will be one of the team leaders for the Water Resources Team on the Cap to Cap trip and will discuss this project as well as other regional concerns.

He also announced that on May 17th, the WRA will be sponsoring a Forum which will address issues associated with the Delta and with the bond package and Delta legislation. He invited everyone at the meeting to attend.

4a. Greg Meyers, City of Woodland Public Works Director, expressed his appreciation and thanked Nancy Cowan for her work and dedication as Interim Secretary.

5. CONSENT ITEMS

5a. Approval of March 18, 2010 meeting minutes

Chair Marble recommended on item #7a of the minutes, last paragraph, that the wording be clarified to say “if an application doesn’t fit within the RFP approach and an outside agency handling the employment issues, then the agency would look to the City of Davis and the City of Woodland to handle the employment.”

Director Saylor moved approval with the correction to the minutes; Director Dote seconded the motion. The motion carried unanimously 4 to 0.

6. PROPOSED JPA STAFFING/OUTSIDE SERVICES PLAN

6a. AGENCY GENERAL MANAGER PROGRESS UPDATE

Dick Donnelly, Deputy Director of City of Woodland Public Works, gave an update on the selection of a General Manager. At the end of the RFP process, they ended up with 16 applicants. After the agency hiring committee evaluated the applications, 6 of them were eliminated for various reasons. They have asked the remaining 10 candidates to provide specific references, two each from a superior, a peer and a subordinate. There will be specific reference questions built in to the forms that need to be answered and turned in via email. The HR Department is collecting the information and at this point a selection probably won’t happen until June. Interviews and reference checks will take place between now and then. All of this will be funneled through the selection committee which is made up of Board Members Marble and Souza.

6b. CONSIDER SELECTION OF SPECIAL COUNSEL FOR CONSTRUCTION LAW SERVICES

Richard Shanahan, Agency Counsel, described the RFP process. They received 8 proposals and staff evaluated the proposals with the principal criteria of experience with “Design-Build” and “Design-Build-Operate.” With that focus in mind, one proposal clearly floated to the top, *Hawkins, Delafield & Wood (HDW)*, because of their tremendous level of experience throughout the country and the State of California. He noted there were some firms in California but not with the depth of experience as this firm, *HDW*, from New York.

Mr. Shanahan noted the receipt of a letter to the Board from the *Best, Best & Krieger* (BBK) law firm who had requested consideration as special counsel for construction law services. He handed out a document showing comparisons of the two firms to the Board and described the differences. His recommendation was the HDW firm for the project.

Board Members questioned the differences between the two firms. Shanahan pointed out that HDW had done DB and DBO projects of water intake facilities specifically and BBK had not. The hourly rate difference between \$270-310 of BBK and \$370 an hour by HDW was discussed and Shanahan stated that the experience by HDW was worth the higher hourly rate.

Other questions concerned travel costs, California licenses, attorney fees of overseeing the construction law firm, availability with a firm being out of state, and the importance of design-build and design-build-operate experience.

Chair Marble asked for public comment.

Tyree Dorward, representative of Best, Best & Krieger law firm, emphasized their interest in the project and their public works experience in California. He said their firm was one of the premier public works firms in the state and could offer cost effective local high quality legal services for this project.

Director Souza said he wanted a firm who had experience and could give the best advice with this very expensive project. A few thousand dollars more is not enough savings to not go with the firm who completed 16 projects in California with 10 in the water field. He wanted the assurance to the rate payers that they would get the best project that could be produced.

Director Saylor preferred that the firm be local and the recommended firm of HDW was not local and a lot more expensive. He was not convinced that the project demanded that level of expertise as described; it seemed that a level could be obtained that was competent, adequate and sufficient with the rate payers being asked to spend more money than may be needed. He had strong reservations but would support a Board action.

Director Dote had concerns with the remoteness of the recommended firm. She would rather go with a local firm, not only was their rate higher but there would be travel costs as well. She didn't know if this project would require the level of expertise that was demonstrated by the other projects. She wasn't sure of the substantial difference between the two firms. She had reservations on going outside of the state but would support a Board action.

After some Board discussion, Director Souza stated he wasn't ready to make a decision today and would like more information on both firms such as a breakdown of costs and also would like to hear about the second choice firm of the proposals that was located in Sacramento.

Shanahan said he hadn't recommended the second choice firm because it had not done any DBO work.

Director Dote said she would like more information and would like a brief summary on how successful the firms completed projects and whether they were on time with their contracts. She requested a brief summary with all recommendations in the future.

Greg Meyer said in looking at the costs of putting together the contract in a DB or DBO project, the detail and quality of building the contract document and the presentation of the document is what really makes the difference in the long term of the project. The more

detailed the contract document is with everything spelled out, will make for a more cost effective document. The differences between a water project and other projects are the technical performance standards that go along with a water treatment plant and conveyance system. The contract document is what makes DBO work; the more work and quality up front, the more money you will save and the better the project.

Chair Marble suggested the Board appoint a Subcommittee of two with Director Souza as Chair of the subcommittee with one other Board member to review each of the proposals. Director Dote volunteered.

Chair Marble moved to appoint a subcommittee with Director Souza as Chair along with Director Dote. Director Saylor seconded the motion. The motion passed unanimously 4 to 0.

6c. CONSIDERATION OF EXTENSION OF LEGAL SERVICES AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN

Richard Shanahan, on behalf of Bartkiewicz, Kronick & Shanahan, pointed out that their contract expired on June 30, 2010 and requested the Board to extend their services agreement by removing the June 30, 2010 expiration date and provide that the agreement may be terminated by the Agency Board at any time upon providing written notice to the law firm.

Director Saylor moved to extend the contract with Bartkiewicz, Kronick & Shanahan for general counsel services and provide that the agreement may be terminated by the Agency Board at any time upon providing written notice to the firm. Chair Marble seconded the motion. The motion carried unanimously 4 to 0.

7. QUARTERLY FINANCIAL REPORT

Paul Navazio, Agency Treasurer/Auditor, summarized the Quarterly Financial Report through March 31, 2010. The Board was comfortable with the format and detail of the report.

8. DISCUSSION CONCERNING OTHER REGIONAL AND STATEWIDE WATER ISSUES, e.g. RELATING TO WATER RESOURCES ASSOCIATION OF YOLO COUNTY, BAY-DELTA PROCESS AND ISSUES, AND/OR LEGISLATIVE MATTERS.

Director Sousa held up a brochure, the draft community report regarding the agency, and said it was a good quality information piece. His only concern was that for some people the brochure may be “too fancy” and expensive.

Greg Meyer noted that there will be two different copies of this brochure, one for presentations such as for legislative funding and another copy for broad distribution which would cost significantly less than the draft copy.

9. MONTHLY PROJECT ENGINEER’S REPORT – UPDATE ON PROJECT PROGRESS OVER THE LAST MONTH.

The Board accepted the Engineer’s report as is with no questions.

10. FUTURE AGENDA ITEMS

Director Saylor said he was interested in the Board at some appropriate time discussing the interactions of this Agency with Yolo County's overall water efforts. There is interest from the County in having greater connection with this project. He would like a discussion on what was the most effective way to do this; whether at the Technical Committee level or a Board to Board discussion.

Staff said they would research this and provide a report on the best method to accomplish this.

Director Sousa said he and Chair Marble went to the opening of the Freeport Intake Facility and was very impressed. He said there should be some type of presentation done regarding this facility since it is the most recent facility built right on the river.

11. ADJOURNMENT

Chair Marble adjourned the meeting at 3:20 p.m.

Respectfully submitted,

Lynanne Mehlhaff
Board Secretary