

MARIN EMERGENCY RADIO AUTHORITY

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GOVERNING BOARD

Minutes of February 24, 2021 Regular Meeting

DRAFT: 3/17/21

Call to Order and Introductions

The teleconferenced regular meeting was called to order by President Pearce on February 24, 2021, at 3:30 p.m. Barrera called roll.

Governing Board Members & Alternates Present:

Town of Corte Madera	R. J. Suokko (Alternate)
City of Larkspur	Dan Schwarz
City of Mill Valley	Jacqueline Graf (Alternate)
Town of Ross	Tom Gaffney
Town of San Anselmo	Steve Burdo
City of San Rafael	Glenn McElderry (Alternate)
County of Marin	Dan Eilerman (Alternate)
Town of Tiburon	Jamie Scardina
Bolinas Fire Protection District	George Krakauer
Inverness Public Utility District	Jim Fox, Shelley Redding (Alternate)
Kentfield Fire Protection District	Mark Pomi, Ron Naso (Alternate)
Marin Transit	Amy Van Doren
Marin Municipal Water District	Don Wick (Alternate)
Marinwood Community Services District	Eric Dreikosen (Alternate)
Novato Fire Protection District	L. J. Silverman, Steve Metcho (Alternate)
Ross Valley Fire Department	Tim Grasser
Southern Marin Fire Protection District	Cathryn Hilliard
Stinson Beach Fire Protection District	Kenny Stevens
Tiburon Fire Protection District	Richard Pearce
Central Marin Police Authority	Hamid Khalili (Alternate)

Governing Board Member Agencies Absent:

City of Belvedere
Town of Fairfax
City of Novato
City of Sausalito
Marin Community College District

Staff Present:

MERA Executive Officer	Maureen Cassingham
MERA General Counsel	Trisha Ortiz
MERA Deputy Executive Officer – Next Gen Project	Dave Jeffries
MERA Administrative Assistant – Next Gen Project	Maura Griffin
MERA Operations Officer	Andrew LeBlanc
Recording Secretary	Lorena Barrera

Guests Present:

Federal Engineering	David Mortimer
AECOM	James McKenzie

Pearce noted that Item B-7 has been removed from the Agenda.

A. Consent Calendar

All matters on the Consent Calendar are to be approved with one motion unless a Member of the Governing Board or the public requests that separate action be taken on a specific item:

- 1) Proposed Resolution of Commendation – Doug Kelly-Town of San Anselmo, MERA Governing Board Member
- 2) Minutes from January 27, 2021, Governing Board Regular Meeting
- 3) Report No. 106 on Strategic Plan Implementation
- 4) Proposed SEIR Minor Modification for Next Gen Project Tomales Site MALT Easement-Joint MERA and AT&T Power Trench
- 5) Proposed Resolution Confirming FY19/20 Final Revisions/Budgets Adjustments for:
 - Fund 70030 Operating
 - Fund 70032 2007 Bank Note-New Project Fund
 - Fund 70036 Replacement
 - Fund 70037 Emergency
 - Fund 70038 Next Gen System Project – Measure A
 - Fund 70039 2016 Bonds

Regarding Item 4, Van Doren asked, since the scope was dramatically changed for the trench in West Marin, if there was an estimate of money saved on that Project. Pearce said the savings is approximately \$65,000, which is a huge win and thanked everyone for their work on it.

*M/S/P Eilerman/Silverman to approve Consent Calendar Items 1 through 5 as presented.
Roll call vote followed.*

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried.

B. Executive Officer's Report – (Cassingham)

1) Report No. 80 on Next Gen System Project – (Jeffries-Discussion)

Jeffries presented the Project updates, as detailed in the staff report. He said there were 18 people in attendance at the Training Committee meeting this morning. They had recently appointed Co-Chairs and this was the first meeting with the Chairs in place. In addition to the Project updates, they focused on training on radio aliases and proposed templates.

Jeffries provided updates on FCC License extensions into 2023; summaries of the construction bid packages, the Tomales Site SEIR Minor Modification, and member briefings; the Project Summary Table of Tasks completed, upcoming tasks, tasks in progress, next steps; and Site Overview as detailed in the staff report. He noted that Skyview Terrace should be green as completed on the chart.

Pearce invited questions from the Board. There were none.

2) Proposed Award for Bid for Next Gen System Project Bid Package No. 1 -
(Jeffries – Board Action)

Jeffries described Bid Package #1 regarding site work at Civic Center, EOF and Mt. Barnabe. Two bids were received as detailed in the staff report. Staff recommended awarding Bid Package #1 to Fidato and authorizing staff to complete the process.

Van Doren said the risk of having a less experienced Project Manager with Fidato needs to be assessed. She said it should be expected that the President of the Company would have a hands-on approach to assure quality performance. Without this oversight, she would be concerned that the Project Manager could be a weak link. She said the qualifications of personnel are important. She noted there was only a minor problem with the second bid but several errors in the first bid. She said she needs assurance that there is confidence in this Company's ability to handle the Project with appropriate backup. Jeffries explained that one of Fidato's issues had to do with the bid bond. He said they complied with the Project request that they "may" use a Surety but not that they "must or shall" so that is not an error on their part. Fidato simply took advantage of the word

“may,” which will not be in future bid packages. He said the concern regarding Strobel was that they essentially ignored requests to provide a cost estimate for the flooring which caused concern about possible future change orders. Jeffries added James McKenzie from AECOM is the Construction Project Manager and Jonathan Sprague is the Construction Manager, both of whom will be expected to work closely with Fidato. He said, compared to all the other packages, these are the simplest three and least expensive. Two are work within existing buildings and the other is upgrades to an existing tower site. He noted because it is a relatively small bid package, they anticipate more interest as construction complexity increases.

Suokko asked for confirmation that formal competitive building procedures were used. He asked if there were any contractor prequalification requirements and if both parties met them. McKenzie said there were no formal prequalification requirements and the bid award is to the lowest responsive bidder. He said they may consider prequalification with future bid packages as projects get larger, more complex and riskier. He confirmed Bid Package 1A will not include formal requirements. McKenzie said there were other public bid requirements met, such as California licensing and other general qualifications.

Pearce was pleased that the bids fall in line with the estimates. McKenzie said they had a good lead estimator and Jeffries was also an active participant, as well as receiving good input from Marin County DPW.

M/S/P Suokko/Burdo to Accept Proposed Award for Bid for Next Gen System Project Bid Package No. 1, as presented. Roll call vote followed.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried.

3) Proposed Confirmation and Ratification of Administrative Authorization –
Inclusion of Site Survey, grading Design and Construction Administration
Services in AECOM Construction Management Contract Task Order # 2 -
(Jeffries - Board Action)

Jeffries reported that there have been discussions with Motorola regarding scope of services including provisions of site grading plans. Motorola is taking a firm stance that it is outside their scope and they will not provide those design services. Jeffries said that while MERA does not agree with Motorola’s position, any further delay will impact the Project Schedule. Jeffries presented two options as detailed in the staff report.

Pearce asked if MERA can continue to apply pressure on Motorola to provide

these services. Jeffries said they can, but on this particular issue, Motorola has been extremely firm, simply saying no. He said there are, however, other issues to be addressed with Motorola in other areas that are not quite as time sensitive regarding special inspections at some of the sites. Motorola has agreed that some of those inspections are within their scope but they would prefer MERA perform them on a reimbursement basis. Jeffries said Motorola does not believe that all of the inspections are within their scope so there will be more discussion on this matter. He added MERA is working on a commitment from Motorola next month for a clean-up Change Order for items that have not been completely addressed to date.

Van Doren asked about Motorola Contract language regarding grading at some locations but not all. Jeffries said not all sites require grading which is why there is a partial list. He said for the most part grading plans are only needed for new sites. Jeffries said MERA feels the language is clear that site grading is within Motorola's scope. MERA's position is Motorola is responsible to provide a complete design package, including grading. Jeffries said they can continue to negotiate and have legal get involved. He suggested we continue these discussions, while moving ahead with grading design services to keep the Project on track. Van Doren said she is interested to hear what the engineers have to say about it. Jeffries said there is very specific language in the RFP, the contract and the addendums that will assist further negotiations and legal review.

Suokko asked if the decision is to have AECOM proceed with grading plans, and continue to pursue this issue, potentially on a chargeback basis with Motorola. Jeffries said this is an option as we continue to negotiate. He said based on the stance Motorola has taken, he is unsure if they can make any headway. This could become part of a Contract change order, along with other matters pending with Motorola.

Pearce said this has been discussed with staff and approval of amending AECOM Task Order #2 is the best path forward, allowing for some opportunity to come back and negotiate this later.

Metcho asked if there was any site prep in the original bid process. Jeffries said, civil work was separate from the Motorola Contract. MERA relied on Motorola and their subcontractor to do all the drawings, create the bid packages, which they are doing and have done, but grading design has been disputed by Motorola as not a part of their design services.

Silverman asked where Federal Engineering was in all this. Jeffries said they feel the language is clear that Motorola owes MERA. Jeffries said it may be that Motorola has had unexpected expenses and it may be a fiscal move on their part not to spend any more money. Silverman asked what Legal has opined. Jeffries said he is happy to send it on to Legal, but grading design needs to be addressed

now. Cassingham said legal review can be accomplished concurrently as we move forward.

Hilliard asked if the Project is in compliance with the public contract code with using AECOM a sole source of professional services. She asked for a guesstimate of how much this project will cost. Jeffries confirmed professional services are not subject to the bid process, adding AECOM's estimate for the site surveys and drawings will be less than \$250K but the work itself will be done by contractors through the bid process. Jeffries said AECOM will do the grading design, which will be part of the bid packages that go out for those sites. The contractors will know what the design is and can bid accordingly. The other option was having the contractors bid on grading design, which could result in change orders and schedule delays.

Gaffney asked who did the grading design on the First Gen project. Jeffries said he did not know. Gaffney suggested that be checked.

Dreikosen suggested utilizing Closed Session under "Potential Litigation" for future discussions regarding contract disputes.

M/S/P Gaffney/Van Doren moved to approve the Proposed Confirmation and Ratification of Administrative Authorization, as presented. Roll call vote followed.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

4) Proposed Next Gen System Project Budget Adjustments and Project Cash Flow Needs – (Jeffries - Discussion)

Jeffries reported on Finance Subcommittee meetings regarding the Project Budget, cash flow, and non-public safety radios, as detailed in the staff report. The Finance Committee will convene on March 10 to provide an update to the Board at the March 24, 2021 meeting.

5) Review of Measure A 2016 Bond Proceeds Reinvestment Options – (Discussion)

Cassingham presented the Finance Committee's recommendation regarding reinvestment of the 2016 Bond Proceeds, as detailed in the staff report. Finance Committee Vice Chair Gaffney and Cassingham will work with Sperry Capital, MERA's Financial Advisors, to present reinvestment options at the Board's March 24 meeting.

6) Proposed Next Gen Project Sonoma Mt. Site License Agreement between MERA and Sonoma County – (Board Action)

Cassingham presented the proposed Agreement, and summarized the background, and results of rent negotiations, as detailed in the staff report. Staff recommended the Agreement be approved and the Executive Officer be authorized to execute same.

Cassingham noted that overall, when looking at the decommissioning of certain sites after cutover and the additional rents for some sites over the next 2-1/2 years, it may well be close to a wash in terms of overall rental costs even though four new sites are being added. She said rent increases will start to hit the Operating Budget in FY21-22 but after two sites are decommissioned – Bodega Bay Hill, a \$72,000-plus savings, and Burdell Mt. Site, at \$142,000 annual rent – there will be a smoothing approximately 2-1/2 years out with regard to site rents. Given the staggering of the leases and licenses approved so far, staff is trying to keep Budget impacts to a minimum for the member agencies. She said while some licenses and leases needed to be amended for Next Gen implementation, these did not trigger increased rents, especially at Big Rock Ridge and San Pedro Ridge.

Pearce acknowledged Cassingham and her team for all of their hard work that went into this and expressed his appreciation.

M/S/P Pomi/Hilliard moved to approve the Proposed Next Gen Project Sonoma Mt. Site License Agreement between MERA and Sonoma County, as presented. Roll call vote followed.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

7) Proposed Next Gen Project Mill Valley Water Tank Site Agreement between MERA and Marin Municipal Water District – (Board Action)
[Removed from the Agenda]

8) Other Information Items

Cassingham asked Barrera to provide an update regarding the Form 700 filing process. Barrera said she will be sending out an email to everyone required to submit the Form 700. She said there is an option to e-file with the County. The deadline is April 1, 2021.

Pearce said most members file Form 700s for their respective agencies every year, and he lists MERA on that form and has already submitted it. He asked if that information can be retrieved directly from the County. Barrera said that Dan Miller advised that this was possible. She tested one today and saw it was filed but could not retrieve the form. She will ask Miller about it and provide an update.

C. Operations Reports – (LeBlanc)

1) Proposed Sonoma Mt. Microwave Link Agreement between MERA and County of Sonoma – (Board Action)

LeBlanc presented the proposed Agreement, describing the background as detailed in the staff report. Staff recommended approval of the Agreement and authorization of the Executive Officer to execute same. He noted his thanks to Ortiz for all her assistance with this matter.

LeBlanc said that in addition to the Link Agreement, they are also working on the details with Sonoma County so that after vacating the Bay Hill site, Sonoma County will take over MERA's microwave mast pole and generator.

M/S/P Eilerman/Pomi moved to approve the Proposed Sonoma Mt. Microwave Link Agreement between MERA and the County of Sonoma, as presented. Roll call vote followed.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

2) Report on Gen 1 Risk Mitigation Initiatives – (Discussion)

LeBlanc reported on the System Major Maintenance and Repair Evaluation as detailed in the staff report. Last week the Team was able to gather a considerable amount of compatible spare equipment donated by Sacramento County, which recently replaced their Gen 1 network, saving MERA approximately \$150K on the resale market and significantly augmenting the stock of spares.

LeBlanc said they are also working on the new HVAC system at Big Rock, which has been fully operational for about a month with no issues. They are also reviewing the Dollar Hill advance transfer switch (ATS), which will take place in May. This will provide valuable insight as to the electrical work that will need to be done at all of the existing sites to be used with Next Gen.

3) MERA System Operations Update – January – (Discussion)

LeBlanc reported that January was fairly quiet. The Radio Shop replaced a faulty GPS receiver at Mt. Barnabe, replaced an antenna line connector at Dollar Hill, had a new battery made for the West Main Conventional Site Controller and worked on an audio channel bleed over issue at Com Center. The total network utilization in January 201,000 radio calls with 567 hours of call time and one second of busy time. LeBlanc reported he has hired a Supervisor who will come on board in mid-April.

4) Other Information Items – (Discussion)

None.

D. Open Time for Items Not on Agenda

Pearce thanked everyone for their participation and the amazing amount of work performed by staff. He said great strides are being made and he thanked Cassingham, Jeffries, Ortiz, Griffin, Barrera, the team at AECOM and FE for their awesome work. Pomi thanked Pearce for keeping the ship moving forward.

E. Adjournment

The meeting was adjourned at 4:31 p.m.

Respectfully submitted by:

Maureen Cassingham
MERA Executive Officer
and Secretary