



## **LEVEE BOND OVERSIGHT COMMITTEE**

### **REGULAR MEETING**

### **CITY OF FOSTER CITY**

PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20, THE MEETING WILL BE HELD BY TELECONFERENCE AND/OR VIDEO CONFERENCE ONLY BY WATCHING THE MEETING AT <https://us02web.zoom.us/j/85042422780> OR DIAL 1 (408) 638 0968; WEBINAR ID: 850 4242 2780. THE PUBLIC MAY PARTICIPATE BY SUBMITTING COMMENTS ON ANY AGENDA ITEM VIA EMAIL PRIOR TO OR DURING THE MEETING BY SENDING THOSE COMMENTS TO: [PUBLICWORKS@FOSTERCITY.ORG](mailto:PUBLICWORKS@FOSTERCITY.ORG)

#### TELECONFERENCE PARTICIPANTS

LEVEE BOND OVERSIGHT COMMITTEE MEMBERS BOB FITZGERALD, AL DEGROOT, KRISTA DIXON, QING LIU and BOB TESSLER WILL PARTICIPATE BY TELECONFERENCE PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-25-20

PURSUANT TO RALPH M. BROWN ACT, GOVERNMENT CODE SECTION 54953, ALL VOTES SHALL BE BY ROLL CALL DUE TO COMMITTEE MEMBERS RITCHA AWASTHI AND JON FROOMIN PARTICIPATING BY TELECONFERENCE

ANY REQUEST FOR REASONABLE ACCOMMODATION SHOULD BE SENT TO [PUBLICWORKS@FOSTERCITY.ORG](mailto:PUBLICWORKS@FOSTERCITY.ORG) OR (650) 286-3270.

**LEEVE BOND OVERSIGHT COMMITTEE MEETING**  
**AGENDA**  
**Wednesday, October 28, 2020**  
**3:00 PM**

**I. Call to Order**

**II. Roll Call**

Committee Members

Bob Fitzgerald	Committee Chair
Al DeGroot	Committee Member
Krista Dixon	Committee Member
Qing Liu	Committee Member
Bob Tessler	Committee Member

Staff Members

Edmund Suen	Finance Director
Norm Dorais	Public Works Director / City Engineer
Julie Paping	Recording Secretary
Laura Galli	Engineering Manager
Kai Ruess	Senior Deputy City Attorney

**III. Introductions**

**IV. Public**

This portion of the meeting is reserved for persons wishing to address the Committee on any City matter not on the agenda. The period for public comment at this point in the agenda is limited to a maximum of 3 minutes per speaker. ***Speakers may join the Zoom meeting via the meeting link and using the "raise hand" feature and the Zoom host will call on people. For those on the phone, please use \*9.***

**V. Approval of XX, 2020 Meeting Minutes (Action) – N/A**

**VI. Reports**

a. None

**VII. Old Business**

a. None

**VIII. New Business**

a. Discussion of Committee Function

**IX. Communications/Committee Member Comments**

- a. E-mail and Memo dated 9/24/20**
  - i. Response E-mail dated 10/1/20**
- b. E-mail and Memo dated 10/4/20**
  - i. Response E-mail dated 10/12/20**
- c. E-mail dated 10/12/20**
- d. E-mail and Memo dated 10/14/20**

**X. Good of the Order**

**XI. Adjournment**

**Any attendee wishing special accommodations at the meeting should contact the Foster City Public Work's Department at (650) 286-3270 at least 48 hours in advance of the meeting.**

**Any written comments or documents provided to a majority of the Subcommittee regarding any item on this agenda after the agenda packet was distributed will be made part of the written record, but will not be read verbally at the meeting. Written public comments will be posted to the City's website for review prior to the meeting.**

## Item IX.a. - Communications

## Norm Dorais

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**From:** Dante Hall  
**Sent:** Thursday, September 24, 2020 11:50 AM  
**To:** Robert Fitzgerald  
**Cc:** kdixon@hudsonnppi.com; bobtessler@aol.com; al.degroot@gilead.com; liuing1908@gmail.com; Norm Dorais; Edmund Suen; Laura Galli  
**Subject:** RE: Levee Bond Oversight Committee  
**Attachments:** Dante memo 1.docx

**Follow Up Flag:** Follow up  
**Due By:** Thursday, October 1, 2020 4:30 PM  
**Flag Status:** Flagged

Hello Bob,

Thanks for your memo. I will have staff work on compiling this information for the Oversight Committee Members. Electronic links to the requested items may be the most efficient method.

Hope you are well,

DANTE G. HALL, ICMA-CM  
INTERIM CITY/DISTRICT MANAGER  
CITY OF FOSTER CITY  
610 Foster City Blvd , Foster City, CA 94404  
Phone: 650.286.3214  
dhall@fostercity.org | www.fostercity.org

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THIS E-MAIL IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO OUR OFFICE VIA THE UNITED STATES POSTAL SERVICE. 610 FOSTER CITY BLVD. FOSTER CITY CA 94404 (650) 286-3200.

-----Original Message-----

**From:** Robert Fitzgerald <jsafitz@sbcglobal.net>  
**Sent:** Thursday, September 24, 2020 11:37 AM  
**To:** Dante Hall <dhall@fostercity.org>  
**Cc:** kdixon@hudsonnppi.com; bobtessler@aol.com; al.degroot@gilead.com; liuing1908@gmail.com  
**Subject:** Levee Bond Oversight Committee

9/24/20

Memo to: Dante Hall  
From: Bob Fitzgerald  
RE: Levee Bond Oversight Committee  
CC: Committee Members

Dante,

To assist in our preparation to serve on the Oversight Committee, I would like to suggest that the following information be provided to each Committee member for background and review purposes:

1. Copies of all current contracts in force for all consultants, contractors and sub-contractors.
2. Copies of all approved change orders to contracts to date.
3. Copies of all pending contract change requests to date.
4. Details of all payments made to date on each contract.
5. Recap of all expenditures to date which are charged to Levee Bond proceeds.

I suggest that this information be made available in .pdf form, or some other form which can be accessed from a computer without the need of special computer programs.

I would also request that all staff reports or other information which are developed for review or action by the City Council be sent to Committee members so that we may have the chance to review and comment on, if appropriate.

Please let me know if you have any information regarding this request.

Thank you

## Norm Dorais

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**From:** Norm Dorais  
**Sent:** Thursday, October 1, 2020 6:33 PM  
**To:** 'kdixon@hudsonppi.com'; 'bobtessler@aol.com'; 'al.degroot@gilead.com'; 'jsafitz@sbcglobal.net'; 'liuqing1980@gmail.com'  
**Cc:** Dante Hall (dhall@fostercity.org); Edmund Suen; Priscilla Schaus; Yelena Cappello; Laurie Rith  
**Subject:** Levee Bond Oversight Committee - Initial Information and Availability for the First Meeting  
**Attachments:** Kitahata & Co. - Financial Advisory.pdf; Schaaf & Wheeler - Phase I.pdf; SCI Consulting Group - Feasibility.pdf; Urban Planning Partners - EIR.pdf; Schaaf & Wheeler - Phase II.pdf; Tanner Pacific - Construction Management.pdf; Keech Properties - Mitigation Credits.pdf; Shimmick Construction - Construction.pdf; Authorized Levee Expenses as of 10-01-2020.pdf; EXECUTED CCO #1.pdf

Tracking:	Recipient	Read
	'kdixon@hudsonppi.com'	
	'bobtessler@aol.com'	
	'al.degroot@gilead.com'	
	'jsafitz@sbcglobal.net'	
	'liuqing1980@gmail.com'	
	Dante Hall (dhall@fostercity.org)	
	Edmund Suen	
	Priscilla Schaus	
	Yelena Cappello	Read: 10/1/2020 7:03 PM
	Laurie Rith	

Good afternoon Levee Bond Oversight Members,

I also echo Yelena congratulations and welcome to this important committee. I also wanted to take this opportunity to thank you for volunteering your time to one of the most important projects in the history of Foster City. We are finally approaching the exciting part of the project, getting the shovels in the ground and working towards project completion that will provide protection for the City.

The purpose for this e-mail is to provide you with some of the basic information on how the City reached this milestone, and also to try and schedule a date and time that can work with everyone's schedule for an initial meeting. Because of the current Covid-19 restrictions, the initial meeting will be via Zoom.

As a reminder, there will be at least two but no more than four meetings per year. The committee needs to prepare two reports per year that are submitted to the City Council.\

Also, the charge of the Levee Bond Oversight Committee (LBOC) is threefold:

1. to inform the public concerning the expenditure of the bond revenues.
2. to review and report on the expenditure of the taxpayers' money for the Levee construction (and design).
3. to ensure that the bond proceeds are expended only to the purposes specified in the bond measure.

The City Council retains total control to:

- Approve Levee Contracts

- Approve Levee Contract Change Orders
- Approve the Expenditure of Bond Funds
- Deal with All Legal Matter related to the levee
- Approval of project plans and specifications
- Approval of all change orders
- Approval of the sale of Measure P bonds (\$85M to date)

For the initial information drop, I have included:

- the all contracts approved for the project
- the Summary of project expenses along with a breakdown by FY – *Authorized Levee Expenses to-date.pdf*
- CCO#1 – *Executed CCO#1.pdf*
- There are no pending CCO's.

For the Contracts, the following Table helps with the file names for the contracts.

File Name	Contract Provider	Services
<i>Kitahata &amp; Co. - Financial Advisory.pdf</i>	Kitahata & Co. and William Euphrat Municipal Finance	Municipal Financial Advisory Service
<i>Schaaf &amp; Wheeler - Phase I.pdf</i>	Schaaf & Wheeler	Pre-design, regulatory permitting & Construction Services – Phase I
<i>SCI Consulting Group – Feasibility.pdf</i>	SCI Consulting Group	Feasibility Analysis and Public Opinion Polling Prop 218 Balloting
<i>Urban Planning Partners - EIR.pdf</i>	Urban Planning Partners	Environmental Impact Report
<i>Schaaf &amp; Wheeler - Phase II.pdf</i>	Schaaf & Wheeler	Final Design, Regulatory Permitting & Construction Services – Phase II
<i>Tanner Pacific - Construction Management.pdf</i>	Tanner Pacific, Inc.	Construction Management
<i>Keech Properties - Mitigation Credits.pdf</i>	Keech Properties	Mitigation Credits
<i>Shimmick Construction - Construction.pdf</i>	Shimmick Construction Co.	Construction of Levee

As far as a date for first meeting, if we can have you look at calendars for Tues-Thurs during the week of October 19 or October 26. I am recommending that we meet from 4-5:30, but please include your availability and we will try to reach a consensus.

- Tuesday, October 20
- Wednesday, October 21
- Thursday, October 22
- Tuesday, October 27
- Wednesday, October 28
- Thursday, October 29

We are looking forward to meeting all of you (all though only virtually) soon.

Sincerely,



Edmund Suen, Finance Director and Norm Dorais, Public Works Director  
[esuen@fostercity.org](mailto:esuen@fostercity.org)  
[ndorais@fostercity.org](mailto:ndorais@fostercity.org)

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**From:** Yelena Cappello <[ycappello@fostercity.org](mailto:ycappello@fostercity.org)>  
**Sent:** Wednesday, September 16, 2020 5:48 PM  
**To:** 'kdixon@hudsonppi.com' <[kdixon@hudsonppi.com](mailto:kdixon@hudsonppi.com)>; 'bobtessler@aol.com' <[bobtessler@aol.com](mailto:bobtessler@aol.com)>;  
'al.degroot@gilead.com' <[al.degroot@gilead.com](mailto:al.degroot@gilead.com)>; 'jsafitz@sbcglobal.net' <[jsafitz@sbcglobal.net](mailto:jsafitz@sbcglobal.net)>;  
'liuqing1980@gmail.com' <[liuqing1980@gmail.com](mailto:liuqing1980@gmail.com)>  
**Cc:** Priscilla Schaus <[pschaus@fostercity.org](mailto:pschaus@fostercity.org)>; Laurie Rith <[lrith@fostercity.org](mailto:lrith@fostercity.org)>; Norm Dorais <[ndorais@fostercity.org](mailto:ndorais@fostercity.org)>;  
Edmund Suen <[esuen@fostercity.org](mailto:esuen@fostercity.org)>  
**Subject:** Levee Bond Oversight Committee Welcome Packet

Dear Levee Bond Oversight Committee Members,

Congratulations on your appointment to the Foster City Levee Bond Oversight Committee approved by the City Council at its regular meeting of September 8, 2020.

The Certificate of Appointment and Oath of Office statement has been sent to you via DocuSign. If you haven't already, please check your email and DocuSign as soon as possible.

This is an appointment to a term as indicated on your Certificate of Appointment and Oath of Office, unless removed by resignation, moving out of the City, contracts with the City, or excessive absences.

I have attached the following:

1. Information regarding the Ralph M. Brown Act and Ethics, "California's Open Meeting" law, including
  - ABCs of Open Government Laws from the Institute of Local Government
  - Brown Act Handout
  - full text of the Brown Act; and
  - Ethics Law Principles for Public Servants
2. a copy of the Municipal Code concerning citizen advisory committees;
3. a committee handbook; and
4. the City Council, Planning Commission and Committee Roster.

Again congratulations, if you have any questions or need more information, please do not hesitate to email or call me at (650) 286-3252.

Yelena Cappello  
Deputy City Clerk  
Communications/City Clerk Department  
610 Foster City Boulevard | Foster City, CA 94404  
[ycappello@fostercity.org](mailto:ycappello@fostercity.org)

## Item IX.b. - Communications

## Norm Dorais

---

**From:** Robert Fitzgerald <jsafitz@sbcglobal.net>  
**Sent:** Sunday, October 4, 2020 4:02 PM  
**To:** Norm Dorais  
**Cc:** kdixon@hudsonppi.com; bobtessler@aol.com; al.degroot@gilead.com; liuqing1980@gmail.com; Dante Hall; Edmund Suen; Priscilla Schaus; Yelena Cappello; Laurie Rith  
**Subject:** Re: Levee Bond Oversight Committee - Initial Information and Availability for the First Meeting  
**Attachments:** Dorais memo 1-10490.docx

Norm,

Please see attached memo.

On Oct 1, 2020, at 6:32 PM, Norm Dorais <[NDORAIS@fostercity.org](mailto:NDORAIS@fostercity.org)> wrote:

Good afternoon Levee Bond Oversight Members,

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<i>SCI Consulting Group – Feasibility.pdf</i>	SCI Consulting Group	Feasibility Analysis and Publ Prop 218 Balloting
<i>Urban Planning Partners - EIR.pdf</i>	Urban Planning Partners	Environmental Impact Repo
<i>Schaaf &amp; Wheeler - Phase II.pdf</i>	Schaaf & Wheeler	Final Design, Regulatory Per Services – Phase II
<i>Tanner Pacific - Construction Management.pdf</i>	Tanner Pacific, Inc.	Construction Management
<i>Keech Properties - Mitigation Credits.pdf</i>	Keech Properties	Mitigation Credits
<i>Shimmick Construction - Construction.pdf</i>	Shimmick Construction Co.	Construction of Levee

As far as a date for first meeting, if we can have you look at calendars for Tues-Thurs during the week of October 19 or October 26. I am recommending that we meet from 4-5:30, but please include your availability and we will try to reach a consensus.

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- Tuesday, October 27
- Wednesday, October 28
- Thursday, October 29

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Sincerely,

Edmund Suen, Finance Director and Norm Dorais, Public Works Director  
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[ndorais@fostercity.org](mailto:ndorais@fostercity.org)

**From:** Yelena Cappello <[ycappello@fostercity.org](mailto:ycappello@fostercity.org)>  
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**Cc:** Priscilla Schaus <[pschaus@fostercity.org](mailto:pschaus@fostercity.org)>; Laurie Rith <[lrith@fostercity.org](mailto:lrith@fostercity.org)>; Norm Dorais <[ndorais@fostercity.org](mailto:ndorais@fostercity.org)>; Edmund Suen <[esuen@fostercity.org](mailto:esuen@fostercity.org)>  
**Subject:** Levee Bond Oversight Committee Welcome Packet

Dear Levee Bond Oversight Committee Members,

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I have attached the following:

1. Information regarding the Ralph M. Brown Act and Ethics, "California's Open Meeting" law, including
  1. ABCs of Open Government Laws from the Institute of Local Government
  2. Brown Act Handout
  3. full text of the Brown Act; and
  4. Ethics Law Principles for Public Servants
2. a copy of the Municipal Code concerning citizen advisory committees;
3. a committee handbook; and
4. the City Council, Planning Commission and Committee Roster.

Again congratulations, if you have any questions or need more information, please do not hesitate to email or call me at (650) 286-3252.

Yelena Cappello  
Deputy City Clerk  
Communications/City Clerk Department  
610 Foster City Boulevard | Foster City, CA 94404  
[ycappello@fostercity.org](mailto:ycappello@fostercity.org)

<Kitahata & Co. - Financial Advisory.pdf><Schaaf & Wheeler - Phase I.pdf><SCI Consulting Group - Feasibility.pdf><Urban Planning Partners - EIR.pdf><Schaaf & Wheeler - Phase II.pdf><Tanner Pacific - Construction Management.pdf><Keech Properties - Mitigation Credits.pdf><Shimmick Construction - Construction.pdf><Authorized Levee Expenses as of 10-01-2020.pdf><EXECUTED CCO #1.pdf>

10/5/20

Memo to: Norm Dorais  
From: Bob Fitzgerald  
RE: Levee Bond Oversight Committee  
CC: Dante Hall, Committee Members

Norm,

Thank you for sending the information on the Levee project which I requested in my 9/24 memo to Dante Hall. In reviewing the Summary of Costs to Date, I have developed a couple of questions regarding payments to Contractors as follows:

1. Since the sale of bonds has been done, have the following Contractors completed their work or do we expect additional billings from them?  
  
Kitahata & Company--Contract amount is \$ 80,000 and billed to date is \$ 10,350.  
SCI Consulting-Contract amount is \$ 100,000 and billed to date is \$ 37,168.42
2. Urban Planning—Contract amount (including contingency) is \$ \$391,465 and billed to date is \$ 409,672.82. Billed to date amount exceeds Contract Amount. Has a change order been issued which authorizes additional billing?
3. Schaff & Wheeler—Phase I Contract amount is \$ 887,644 and Phase II Contract amount is \$ 2,324,286 for a total of \$ 3,211,930 and billed to date is \$ 3,192,406.11. Are these contracts substantially complete? Since these are actually two separate contracts, it might be clearer if these two contracts are shown separately on the Summary of Costs to Date.

I have also noticed that a couple of these contracts are Time and Material with a Cost Not to Exceed. Have the progress billings on these accounts been reviewed to assure that the amounts charged are accurate and appropriate? Please send copies of all the progress billings on the T&M contracts.

Please let me know if you have any questions on my comments or requests.

Thank you

## Norm Dorais

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**From:** Norm Dorais  
**Sent:** Monday, October 12, 2020 7:26 AM  
**To:** Robert Fitzgerald; Al DeGroot; Bob Tessler; Liu Qing; Krista Dixon  
**Cc:** Dante Hall  
**Subject:** RE: Levee Bond Oversight Committee

Members of the Levee Bond Oversight Committee,

This e-mail is in response to several questions I received, see the responses in red below.

- 1) Kitahata/Euphrat authorized -- \$80,000 -- \$10,350 Kitahata + \$14,260.50 Euphrat only \$24,610.50 expended. --- Are there any more charges expected from them or were they subtracted from the bond sale? **No additional expenses**

SCI Consulting, SCI - \$110,000 Authorized --- \$37,168.72 expended. --- Are there going to be any more charges from them? **No additional expenses**

- 2) Urban Planning Partners -- Original Contract \$391,465 -- Contract Amendment \$20,099 --- (highlighted Amendment Reso Attached) -- (\$391,465 + \$20,099 = \$411,564) -- \$409,672.82 expended. -- **No additional expenses and added to table below**

As an FYI, I did track down additional contracts for Terris Barnes Walters Boigon. These invoices were already included in the expense tracking sheet, but I had not included them in my contract table below. As I did above, the total of the contracts for TBWB - \$40,000+\$29,986+\$73,215=\$143,201 authorized -- (highlighted Agreements (3) Attached) \$141,427.04 expended. --- Are there going to be any more charges from them? **No additional expenses and added to table below**

- 3) I can split Phase I and Phase II into two separate line items, but not sure what it will do, since we are expending all the amount for each Phase. The Pre-design and the Final Design are the extension of the design contract.

I have updated the Contractual Services Table to include the amendment for Urban Planning Partners and the three agreements for TBWB. I had accounted for the expenses in the expense table, but did miss them in my Agreement search, so I wanted to include them now in order to have a complete table.

Updated Contractual Services Table – 10/5/2020		
File Name	Contract Provider	Service
Kitahata & Co. - Financial Advisory.pdf	Kitahata & Co. and William Euphrat Municipal Finance	Municipal Financial Advisory Services
Schaaf & Wheeler - Phase I.pdf	Schaaf & Wheeler	Pre-design, regulatory permitting & other Pro Services – Phase I
SCI Consulting Group – Feasibility.pdf	SCI Consulting Group	Feasibility Analysis and Public Opinion Pollin Prop 218 Balloting
Urban Planning Partners - EIR.pdf	Urban Planning Partners	Environmental Impact Report

Schaaf & Wheeler - Phase II.pdf	Schaaf & Wheeler	Final Design, Regulatory Permitting and other Services – Phase II
Urban Planning Partners - EIR.pdf	Urban Planning Partners	Environmental Impact Report - Additional Se
Revenue Measure Consulting	Terris Barnes Walters & Boigon (TBWB)	Assess the basic viability of the proposed rev
Levee Information Microsite	Terris Barnes Walters & Boigon (TBWB)	Phase I of the Levee Informational Outreach Microsite and First Stage Messaging
Levee Informational Outreach	Terris Barnes Walters & Boigon (TBWB)	Phase II & Phase III of the Levee Project Infor
Tanner Pacific - Construction Management.pdf	Tanner Pacific, Inc.	Construction Management
Keech Properties - Mitigation Credits.pdf	Keech Properties	Mitigation Credits
Shimmick Construction - Construction.pdf	Shimmick Construction Co.	Construction of Levee

Also, as Dante sent out yesterday, the City Council will appoint officers of the Levee Bond Oversight Committee at its meeting on October 19, 2020. Let us know if you have additional questions.

Thanks,  
Norm

---

**From:** Robert Fitzgerald <jsafitz@sbcglobal.net>  
**Sent:** Sunday, October 11, 2020 3:01 PM  
**To:** Norm Dorais <ndorais@fostercity.org>  
**Cc:** Dante Hall <dhall@fostercity.org>; Al DeGroot <al.degroot@gilead.com>; Bob Tessler <bobtessler@aol.com>; Liu Qing <liuqing1980@gmail.com>; Krista Dixon <kdixon@hudsonppi.com>  
**Subject:** Levee Bond Oversight Committee

Norm,

I am not sure that I sent this memo to you, so I am trying again.

Also, according to the bylaws of the Committee which you sent to us, the first Chairman and Vice-Chairman of the Committee are to be appointed by the City Council, with those offices to be voted on by the Committee in subsequent years. I am not sure when the City Council will make these appointments. In response to your suggested dates for a Committee meeting, I think it would be better to wait for the Chairman and Vice-Chairman of the Committee are appointed by the City Council before a meeting is scheduled.

Regards,

Bob Fitzgerald



## Item IX.c. - Communications

## Norm Dorais

---

**From:** bobtessler@aol.com  
**Sent:** Monday, October 12, 2020 11:42 AM  
**To:** Norm Dorais; jsafitz@sbcglobal.net; al.degroot@gilead.com; liuqing1980@gmail.com; kdixon@hudsonppi.com  
**Cc:** Dante Hall  
**Subject:** Re: Levee Bond Oversight Committee

Norm,

Most of my questions have been addressed.  
Have both the Project Fund and Debt Service Fund been set up yet?  
Where were levee related payments made from prior to receipt of first tranche of bond funds?  
Was the account reimbursed from bond funds?  
Does annual external audit include levee funds?  
Have recent estimates been made regarding the amount and timing of property taxes to meet debt service requirements?  
Suggest adding the date prepared to the Running Summary Cost Reports.

Thank you.

Bob Tessler

In a message dated 10/12/2020 7:25:35 AM Pacific Standard Time, ndorais@fostercity.org writes:

Members of the Levee Bond Oversight Committee,

This e-mail is in response to several questions I received, see the responses in red below.

1. Kitahata/Euphrat authorized -- \$80,000 -- \$10,350 Kitahata + \$14,260.50 Euphrat only \$24,610.50 expended. --- Are there any more charges expected from them or were they subtracted from the bond sale? **No additional expenses**

SCI Consulting, SCI - \$110,000 Authorized --- \$37,168.72 expended. --- Are there going to be any more charges from them? **No additional expenses**

2. Urban Planning Partners – Original Contract \$391,465 – Contract Amendment \$20,099 --- (highlighted Amendment Reso Attached) – (\$391,465 + \$20,099 = \$411,564) -- \$409,672.82 expended. – **No additional expenses and added to table below**

As an FYI, I did track down additional contracts for Terris Barnes Walters Boigon. These invoices were already included in the expense tracking sheet, but I had not included them in my contract table below. As I did above, the total of the contracts for TBWB -  $\$40,000 + \$29,986 + \$73,215 = \$143,201$  authorized -- (highlighted Agreements (3) Attached) \$141,427.04 expended. --- Are there going to be any more charges from them? No additional expenses and added to table below

- I can split Phase I and Phase II into two separate line items, but not sure what it will do, since we are expending all the amount for each Phase. The Pre-design and the Final Design are the extension of the design contract.

I have updated the Contractual Services Table to include the amendment for Urban Planning Partners and the three agreements for TBWB. I had accounted for the expenses in the expense table, but did miss them in my Agreement search, so I wanted to include them now in order to have a complete table.

Updated Contractual Services Table – 10/5/2020		
File Name	Contract Provider	Service
Kitahata & Co. - Financial Advisory.pdf	Kitahata & Co. and William Euphrat Municipal Finance	Municipal Financial Advisory Services
Schaaf & Wheeler - Phase I.pdf	Schaaf & Wheeler	Pre-design, regulatory permitting & other Pr Services – Phase I
SCI Consulting Group – Feasibility.pdf	SCI Consulting Group	Feasibility Analysis and Public Opinion Pollin Prop 218 Balloting
Urban Planning Partners - EIR.pdf	Urban Planning Partners	Environmental Impact Report
Schaaf & Wheeler - Phase II.pdf	Schaaf & Wheeler	Final Design, Regulatory Permitting and oth Services – Phase II
Urban Planning Partners - EIR.pdf	Urban Planning Partners	Environmental Impact Report - Additional S
Revenue Measure Consulting	Terris Barnes Walters & Boigon (TBWB)	Assess the basic viability of the proposed re
Levee Informational Microsite	Terris Barnes Walters & Boigon (TBWB)	Phase I of the Levee Informational Outreach Microsite and First Stage Messaging
Levee Informational Outreach	Terris Barnes Walters & Boigon (TBWB)	Phase II & Phase III of the Leve Project Infor
Tanner Pacific - Construction Management.pdf	Tanner Pacific, Inc.	Construction Management
Keech Properties - Mitigation Credits.pdf	Keech Properties	Mitigation Credits
Shimmick Construction - Construction.pdf	Shimmick Construction Co.	Construction of Levee

Also, as Dante sent out yesterday, the City Council will appoint officers of the Levee Bond Oversight Committee at its meeting on October 19, 2020. Let us know if you have additional questions.

Thanks,

Norm

**From:** Robert Fitzgerald <jsafitz@sbcglobal.net>  
**Sent:** Sunday, October 11, 2020 3:01 PM  
**To:** Norm Dorais <ndorais@fostercity.org>  
**Cc:** Dante Hall <dhall@fostercity.org>; Al DeGroot <al.degroot@gilead.com>; Bob Tessler <bobtessler@aol.com>; Liu Qing <liuqing1980@gmail.com>; Krista Dixon <kdixon@hudsonppi.com>  
**Subject:** Levee Bond Oversight Committee

Norm,

I am not sure that I sent this memo to you, so I am trying again.

Also, according to the bylaws of the Committee which you sent to us, the first Chairman and Vice-Chairman of the Committee are to be appointed by the City Council, with those offices to voted on by the Committee in subsequent years. I am not sure when the City Council will make these appointments. In response to your suggested dates for a Committee meeting, I think it would be better to wait for the Chairman and Vice-Chairman of the Committee are appointed by the City Council before a meeting is scheduled.

Regards,

Bob Fitzgerald

Item IX.d. - Communications

## Norm Dorais

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**From:** Robert Fitzgerald <jsafitz@sbcglobal.net>  
**Sent:** Wednesday, October 14, 2020 4:00 PM  
**To:** Norm Dorais  
**Cc:** Dante Hall; liu qing; bob Tessler; krista Dixon; Al DeGroot  
**Subject:** Levee Bond Oversight Committee  
**Attachments:** Dorais memo 2-101420.docx

Norm,

Please see attached memo.

10/14/20

Memo to: Norm Dorais

From: Bob Fitzgerald

RE: Levee Bond Oversight Committee

CC: Dante Hall, Committee Members

Norm,

Thank you for your reply to my memo dated 10/5/20. I understand your answers to Questions 1 and 2 of this memo, but would like further clarification of your response to my Question 3, regarding the contract with Schaaf & Wheeler. As I understand it, this contract is basically a time and material contract with a not-to-exceed cost and that the contract was issued in two Phases with a separate not-to-exceed amount set for each phase of the contract. It is for this reason that I suggested that the separate phases of the contract be dealt with individually when determining the cost of each phase.

As an example, the Phase I contract document specifies that the not-to-exceed cost is set at \$ 887,644. The Updated Contractual Services Table, which you included in your most recent reply shows total payments made to be \$ 877,644. It would appear that the Phase I contract is complete and that the total costs are \$ 10,000 less than authorized. Is this correct?

In the Phase II contract, the authorized amount is \$ 2,324,286 and, according to the Updated Contractual Services Table the amount paid to date is also \$ 2,324,286. This would indicate that the total of all monthly billings (based on actual time and material costs) has exactly matched the authorized contract amount. It appears to me that this is an almost impossible coincidence that these amounts match. It would also appear that this contract is complete, since all the authorized monies have been expended. Is this correct, is this contract 100% complete and will there be no additional billings for this contract?

Your comment in your 10/12/20 memo that "since we are expending all the amount for each Phase" would seem to indicate that you expect the total of all monthly billings for Phase I and Phase II would exactly match the total cost authorized in each contract. How is that possible when the monthly billings are based on time and material expended?

Given the above questions, I am again requesting that the Committee be given the following:

1. Copies of all approved change orders to each contract to date.
2. Copies of all pending contract change requests to date.
3. Details of all monthly billings made to date for each contract shown on the Update Contractual Services Table.
4. Details of any billings on each contract for which payment has not yet been made.

I believe it is important that the Committee have the opportunity to review all this information before we have our first meeting.

Please let me know if you have any questions regarding my request.

Thank you