

**SAN JOSÉ/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE**

CHUCK REED, CHAIR  
PETE McHUGH, MEMBER  
KEVIN MOORE, MEMBER  
JAMIE MATTHEWS, MEMBER  
MADISON NGUYEN, MEMBER

KEN YEAGER, MEMBER  
JOHN GATTO, MEMBER  
ED SHIKADA, MEMBER  
KANSEN CHU, MEMBER

**AGENDA/TPAC**

**4:30p.m.**

**November 10, 2011**

**Room T-1734**

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**1. ROLL CALL**

**2. MINUTES**

A. October 13, 2011

**3. UNFINISHED BUSINESS**

**4. CORRESPONDENCE**

**5. REPORTS**

A. Open Purchase Orders Greater Than \$100,000  
The attached monthly Procurement and Contract Activity Report summarizes the purchase and contracting of goods with an estimated value between \$100,000 and \$1 million and of services between \$100,000 and \$250,000.

**6. AGREEMENTS**

A. Action Item - TPAC Recommendation for approval:

**The following action item is scheduled to be considered by the San José City Council on November 15, 2011:**

Adopt a resolution authorizing the City Manager to execute an Amended Memorandum of Agreement among the cities of San José, Mountain View, Palo Alto, Hayward, Pleasanton and Redwood City, Town of Yountville, Central Contra Costa Sanitary District, Delta Diablo Sanitation District, Dublin San Ramon Services District, Ironhouse Sanitary District, Zone 7 Water Agency, North Coast County Water District, Coastside County Water District, Santa Clara Valley Water District and the Bay Area Clean Water Agencies to implement a regional approach to obtaining and allocating federal funding for water recycling

projects, at a cost for 2011-12 not to exceed \$20,000, with future year funding to be subject to appropriation by the City Council.

B. Acton Item - TPAC Recommendation for approval:

**The following action items are scheduled to be considered by the San José City Council on November 15, 2011:**

- 1) Award the construction contract for the Handrail Replacement Re-Bid Phase IV Project to the low bidder, B Side Inc., in the amount of \$398,900.
- 2) Approve a contingency in the amount of \$79,780.

7. **STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC**

A. **The following action items were approved by the San José City Council on, October 18, 2011:**

Adopt a resolution authorizing the City Manager to:

1. Execute a Purchase Order with Cannon Sline Industrial, Inc. (Long Beach, CA) for the painting and rehabilitation of the first five of 25 secondary clarifier tanks at the Water Pollution Control Plant (WPCP) for the period October 1, 2011 through September 30, 2012, in an amount not to exceed \$449,578.
2. Execute additional purchase orders as required to complete the painting and rehabilitation of the remaining 20 tanks, at a fixed price per tank as established by a competitive bid, over a four year period ending September 30, 2016, subject to the appropriation of funds.
3. Execute change orders for contingencies not to exceed \$50,000 for any unforeseen changes or requirements that may arise prior to the completion of services.

8. **MISCELLANEOUS**

- A. The next TPAC meeting will be December 8, 2011, at 4:30 p.m. City Hall, City Manager's Office, 17<sup>th</sup> Floor, Room 1734.

9. **OPEN FORUM**

10. **ADJOURNMENT**

NOTE: If you have any changes or questions, please contact Monica Perras, Environmental Services, 408-975-2515.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call Monica Perras at (408) 975-2515 or (408) 294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

**Availability of Public Records.** All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection

at San Jose City Hall, 200 East Santa Clara Street, 10<sup>th</sup> Floor, Environmental Services at the same time that the public records are distributed or made available to the legislative body.

**DRAFT**  
**AMENDED**  
**MINUTES OF THE**  
**SAN JOSE/SANTA CLARA**  
**TREATMENT PLANT ADVISORY COMMITTEE**  
City Hall, City Manager's Office, 17<sup>th</sup> Floor, Room 1734  
Thursday, October 13, 2011 at 4:30 p.m.

**1. ROLL CALL**

Minutes of the Treatment Plant Advisory Committee convened this date at 4:30 p.m. Roll call was then taken, with the following members in attendance:

Committee members: Pete McHugh, John Gatto, Kevin Moore, Madison Nguyen, (Chair Pro Tem), Ed Shikada, Ken Yeager, Jamie Matthews arrived after Item 5.B.

Staff present: Monica Perras, Kerrie Romanow, Jon Newby, Jo Zientek, John Dam, Mark Giovannetti, Beth Gonzales, Mollie Dent, Linda Charfauros, Avi Yotam, Joe Rios.

Others present: Chris de Groot (City of Santa Clara), Kathleen Phalen (City of Milpitas), Steve Machida (Cupertino Sanitary District), David Wall, (San José City Resident).

**2. APPROVAL OF MINUTES**

A. September 8, 2011.

**The minutes for September 8, 2011 were approved to note and file.**

**3. UNFINISHED BUSINESS**

**4. CORRESPONDENCE**

**5. REPORTS**

A. Open Purchase Orders Greater Than \$100,000

The attached monthly Procurement and Contract Activity Report summarizes the purchase and contracting of goods with an estimated value between \$100,000 and \$1 million and of services between \$100,000 and \$250,000.

**Item 5.A was approved to note and file.**

B. Action Item - TPAC Recommendation for approval:

**The following Item was approved by San Jose City Council on 9/27/11:**

Adopt a resolution authorizing the Director of Finance to select and purchase certain City and Redevelopment Agency insurance policies (property and liability for the City; property only for the Redevelopment Agency) for the period October 1, 2011 to October 1, 2012 at a total cost not to exceed \$1,500,000 for all policies, with the following insurance carriers:

1. Lexington Insurance Company, (Boston, MA) for Property, including Boiler & Machinery.
2. National Union Fire Insurance Company (New York, NY) to provide the following coverage:
  - Airport Owners and Operators Liability including War Risk & Extended Perils Coverage (Primary and Excess)
  - Police Aircraft Hull & Liability including War Risks & Extended Perils.
3. St Paul/Travelers Insurance Company, (Hartford, CT) for automobile Liability (Airport fleet vehicles and Shuttle Buses physical damage only/WPCP fleet vehicles), and
4. Indian Harbor Insurance Company, (Stanford, CT) for secondary Employment Law Enforcement Professional Liability.

**Item 5.B.1-4 was approved to note and file.**

Jamie Matthews arrives

6. **AGREEMENTS**

A. Action Item – TPAC Recommendation for approval:

**The following action item is scheduled to be considered by the San José City Council on, September 13, 2011:**

Adopt a resolution authorizing the City Manager to:

1. Execute a Purchase Order with Cannon Sline Industrial, Inc. (Long Beach, CA) for the painting and rehabilitation of the first five of 25 secondary clarifier tanks at the Water Pollution Control Plant (WPCP) for the period October 1, 2011 through September 30, 2012, in an amount not to exceed \$449,578.
2. Execute additional purchase orders as required to complete the painting and rehabilitation of the remaining 20 tanks, at a fixed price per tank as established by a competitive bid, over a four year period ending September 30, 2016, subject to the appropriation of funds.
3. Execute change orders for contingencies not to exceed \$50,000 for any unforeseen changes or requirements that may arise prior to the completion of services.

**Items 6.A.1,2 & 3 were approved unanimously.**

7. **STATUS OF ITEMS PREVIOUSLY APPROVED BY TPAC**

**The items that were approved by the San José City Council on September 13, 2011 were accepted to note and file.**

8. **MISCELLANEOUS**

- A. The next TPAC meeting will be November 10, 2011, at 4:30p.m., City Hall, City Manager's Office, 17<sup>th</sup> Floor, Room 1734.

**PUBLIC COMMENT**

A. David Wall presented a speaker card in Open Forum..

**10. ADJOURNMENT**

A. The Treatment Plant Advisory Committee adjourned at 4:35 p.m.

Chuck Reed, Chair  
Treatment Plant Advisory Committee

**City Manager's Contract Approval Summary**  
**For Procurement and Contract Activity between \$100,000 and \$1 Million for Goods and \$100,000 and \$250,000 for Services**

OCTOBER 31, 2011

Description of Contract Activity <sup>1</sup>	Fiscal Year	Req#/RFP#	PO#	Vendor/Consultant	Original \$ Amount	Start Date	End Date	Additional \$ Amount	Total \$ Amount	Comments
<b>NEW:</b>										
SERVICEGRID PROGRAM - MAINT SERV & SUPPORT SERV	FY11-12	15076		ABB INC	\$248,674					
<b>ONGOING:</b>										
CLEANING OF THREE (3) ANAEROBIC DIGESTERS AT WPCP	FY11-12	13966		NORTH AMERICAN DIGESTER	\$359,823					
OVERHAUL OF TPS & FLOWAY PUMPS	FY11-12	14065		CONHAGEN, ALFRED INC	\$200,000					
COATING REHABILITATION SERVICES	FY11-12	14070	46779	KM INDUSTRIAL, INC	\$449,578					

<sup>1</sup> This report captures in process contract activity (Requisition Number or RFP Number) and completed contract activity (Purchase Order Number, Contract Term, and Contract Amount)



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kerrie Romanow

**SUBJECT:** SEE BELOW

**DATE:** 10-24-11

Approved

Date

10/27/11

**COUNCIL DISTRICT:** City-Wide

**SUBJECT: AMENDED MEMORANDUM OF AGREEMENT AMONG THE CITIES OF SAN JOSÉ, MOUNTAIN VIEW, PALO ALTO, HAYWARD, PLEASANTON AND REDWOOD CITY, TOWN OF YOUNTVILLE, CENTRAL CONTRA COSTA SANITARY DISTRICT, DELTA DIABLO SANITATION DISTRICT, DUBLIN SAN RAMON SERVICES DISTRICT, IRONHOUSE SANITARY DISTRICT, ZONE 7 WATER AGENCY, NORTH COAST WATER DISTRICT, COASTSIDE COUNTY WATER DISTRICT, SANTA CLARA VALLEY WATER DISTRICT AND BAY AREA CLEAN WATER AGENCIES WITH RESPECT TO FEDERAL FUNDING FOR WATER RECYCLING PROJECTS**

## RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute an Amended Memorandum of Agreement among the cities of San José, Mountain View, Palo Alto, Hayward, Pleasanton and Redwood City, Town of Yountville, Central Contra Costa Sanitary District, Delta Diablo Sanitation District, Dublin San Ramon Services District, Ironhouse Sanitary District, Zone 7 Water Agency, North Coast County Water District, Coastsides County Water District, Santa Clara Valley Water District and the Bay Area Clean Water Agencies to implement a regional approach to obtaining and allocating federal funding for water recycling projects, at a cost for 2011-12 not to exceed \$20,000, with future year funding to be subject to appropriation by the City Council.

## OUTCOME

The City, as administering agency for South Bay Water Recycling and the San José/Santa Clara Water Pollution Control Plant, would re-enter into an agreement with five other cities, one Town, three water districts, a special district, four sanitation districts (the Participating Agencies) and Bay Area Clean Water Agencies (BACWA) (a regional joint powers authority of which the

City is already a member) to implement the “Bay Area Recycled Water Coalition” (BARWC), for the purpose of pursuing a regional approach to obtaining and allocating federal funding for water recycled projects. The City’s participation with other agencies on a regional basis through approval of the amended Memorandum of Agreement (MOA) will continue to enhance its ability to obtain future grant funding.

## **BACKGROUND**

South Bay Water Recycling (SBWR) is a multi-agency water recycling program administered by the City as lead agency for the San José/Santa Clara Water Pollution Control Plant. The SBWR project was included in Title XVI of PL102-575, the “1992 Central Valley Project Improvement Act” (Section 1607) which authorized the US Bureau of Reclamation (Reclamation) to reimburse the City for up to 25% of eligible construction costs. Since 1995, the City has signed several grant agreements with Reclamation for water recycling capital projects approximating \$237,000,000 of infrastructure investment. These agreements also provided for up to \$59,000,000 in federal grant reimbursement, however, only \$39,000,000 has been reimbursed as of September 2011, providing a balance of \$20,000,000 from Reclamation.

In 2007, Senator Dianne Feinstein wrote to a number of California agencies urging them to adopt a regional approach to coordinate their requests for federal support for water recycling projects. Senator Feinstein’s request was consistent with state funding policy which requires agencies to demonstrate a regional approach to water projects proposed for funding through Propositions 50 and 84. In response, staff from a number of cities and agencies in the Bay Area actively developing recycled water projects formed the Bay Area Water Recycling Coalition (BARWC) to develop a regional platform for developing and coordinating projects in order to improve their ability to obtain federal funding.

Primary objectives of the BARWC agencies is to obtain Congressional authorization for federal funding for recycled water projects in the Bay area, and obtain an appropriation of federal funds adequate to fund the authorized projects. Subsequent to passage of PL110-229 “Consolidated Natural Resources Act of 2008.” federal participation of seven BARWC projects were authorized. These projects included the Palo Alto/Mountain View Moffett Area Pipeline Project, South Bay Advanced Recycled Water Treatment Facility; and the Pittsburg, Antioch, North Coast County Water District, Redwood City, and South Santa Clara County Recycled Water Projects. The San José Area Water Reclamation and Reuse Project (now known as South Bay Water Recycling) that was originally authorized in PL102-575, was also included in the Bay Area Regional program.

## **ANALYSIS**

A Memorandum of Agreement with BARWC agencies was originally drafted and executed on August 25<sup>th</sup>, 2008. The Participating agencies (including agencies that became Participating

agencies after the execution of the original MOA) and BACWA are proposing execution of an amended MOA. Under the amended MOA, the City would continue to no longer advocate exclusively for federal funding for SBWR, but rather would request federal support for the entire regional request, designating BACWA as the entity to represent the SBWR Program in pursuit of Title XVI recycled water grants under Public Law 102-575. City participation on behalf of SBWR in the amended MOA is recommended in order to continue maximizing the local share of federal funding by aligning San Jose's recycled water interests with the entire Bay Area region. Consistent with the original MOA, should the total amount of federal appropriation be less than the total amount sought for all authorized projects in any given year, each participating agency would receive its percentage share of the lower appropriation (federal funding for authorized recycled projects will be subject to pro rata allocation , total appropriation / total request/).

The MOA also addresses coordination and cost sharing for federal legislative efforts. It provides that one of the Participating Agencies will be responsible for managing outside consultant and legislative advocacy services. The amended MOA provides for the parties to share BACWA administrative and outside consultant costs, as well as advocacy costs based on their federal share (i.e. 25% of project cost) and not on the basis of the ratio of the number of agency projects to total projects, as was the case for the original MOA. For calendar year 2011, San Jose's share of BACWA outside agency costs is estimated to be an amount not expected to exceed \$20,000.

The amended MOA includes new provisions to allow other Investor-Owned Water Utilities to become members, and also allows for "associate" level of membership. Any public agency or an investor-owned water utility that does not have a recycled water project may become an Associate member, thus enabling them to participate in BARWC discussions regarding federal funding efforts. However, they may not vote or otherwise participate in any formal decision-making.

The amended MOA continues to allow any agency to unilaterally withdraw from the BARWC on or before October 31<sup>st</sup> of each year, and effective the following January 1<sup>st</sup>, should it determine that its interests are no longer served by participation with the other regional entities. If sufficient funds are not appropriated for participation in future years, the City Manager can terminate the city's participation. Further, if the City's share of costs for any calendar year should exceed the City Manager's contract authority, which is not anticipated, then the City Manager will seek Council authorization.

### **EVALUATION AND FOLLOW-UP**

An annual accounting of federal support for San José area water recycling projects will be compared to recent year appropriations. If at any time it appears that the City would be more likely to receive significantly more funding by independently advocating for federal support, staff will recommend that the City consider terminating its agreement with BACWA and the other Coalition members.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
**(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum will be posted on the City's website for the November 15, 2011 City Council Agenda.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, the Office of Intergovernmental Relations, and the City Manager's Budget Office. This item is scheduled to be heard at the November 10, 2011 meeting of the Treatment Plant Advisory Committee (TPAC).

### **COST IMPLICATIONS**

Participation in the Bay Area Water Recycling Coalition (BARWC) will continue enhancement of the City's ability to obtain authorized federal funding for South Bay Water Recycling. Based on past experience, annual contributions to the Bay Area Water Recycling Coalition costs are not expected to exceed \$20,000 per year. If the City's share of cost for any calendar year should exceed the City Manager's contract authority, which is not anticipated, then the City Manager will seek Council authorization. Payments in future years will be subject to City Council appropriation of funds.

HONORABLE MAYOR AND CITY COUNCIL

10-24-11

**Subject:** Memorandum of Agreement with BARWC Agencies

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**BUDGET REFERENCE**

Fund #	Appn. #	Appn. Name	Total Appn.	Amount for Project	2011-2012 Proposed Operating Budget Page*	Last Budget Action (Date, Ord. No.)
513	0762	ESD Non-Personal/Equipment	25,548,275	20,000	XI-77	06/21/2011 Ord. 28928

\* The City Council adopted the 2011-2012 Proposed Operating Budget on June 21, 2011. The Adopted Budget will be published in Fall 2011.

**CEQA**

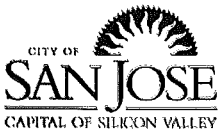
Not a Project, File No.PP10-066 (g), Memorandum of Understanding.

/s/

KERRIE ROMANOW

Acting Director, Environmental Services

For questions please contact Mansour Nasser, Deputy Director, at 277-4218.



Subject: **REPORT ON BIDS AND AWARD OF CONTRACT FOR THE 6653 - HANDRAIL REPLACEMENT RE-BID PHASE IV PROJECT**

Council Agenda: 11-15-11  
Item:

### City Council Action Request

<b>Departments:</b> Environmental Services, Public Works	<b>CEQA:</b> Exempt, PP 11-028	<b>Coordination:</b> City Manager's Budget Office, City Attorney's Office, and the Treatment Plant Advisory Committee	<b>CMO Approval:</b> 10/25/11
			<b>Dept. Approval:</b> Dave Sykes /s/ Kerrie Romanow/s/

**RECOMMENDED ACTION:**

- 1) Award the construction contract for the Handrail Replacement Re-Bid Phase IV Project to the low bidder, B Side Inc., in the amount of \$398,900.
- 2) Approve a contingency in the amount of \$79,780.

**BASIS FOR RECOMMENDATION:**

San Jose/Santa Clara Water Pollution Control Plant Capital Improvement Program (CIP) Staff has been evaluating the condition of the existing handrails on a long term basis and designing replacement and repair projects to bring them up to current safety standards. There are approximately 17,000 linear feet of handrails at various locations throughout the Plant. This project is the fourth phase of the on-going handrail replacement program and will replace approximately 2,500 feet of the handrail in the Secondary Aeration tank area. These railings have been determined to be in deteriorated condition and do not meet current safety standards. This project also includes the installation of new light poles along the east-west passway and concrete repairs at various locations of the secondary aeration tanks.

This project originally opened bids on May 5, 2011 with only two bids received and the low bidder was significantly higher than the Engineer's Estimate. City Council rejected all bids on August 16, 2011. Staff rebid the project with the original scope of work and additional outreach to the contracting community, including two on-site pre-bid meetings.

Bids were opened September 22, 2011 with a total of 6 bidders submitting proposals. B Side Incorporated from Oakland, CA, submitted the low bid in the amount of \$398,900 which is 5% below the Engineer's Estimate. The 3 lowest bidders were within 15% of each other indicating a highly competitive bidding. Staff reviewed the low bid submitted by B-Side and found the proposal to be acceptable for this project.

Concrete repair quantities were estimated based on visual inspection by Staff. Actual extent of the damaged concrete and rebar to be verified by Contractor using specialized scanning tools, therefore, damaged area could potentially be more than originally estimated. Staff is requesting a twenty percent (20%) contingency in the amount of \$79,780 for this project. Construction is scheduled to begin in January 2012 with substantial completion in July 2012.

**COST AND FUNDING SOURCE:**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:	\$398,900
2. COST OF PROJECT:	
Project Delivery	\$287,000
Construction	398,900
Contingency	79,780
<b>TOTAL PROJECT COSTS</b>	<b>\$765,680</b>
3. SOURCE OF FUNDING: 512 – San José-Santa Clara Treatment Plant Capital Fund, Plant Infrastructure Improvements appropriation (\$13.1 million budgeted for 2011-2012)	
4. FISCAL IMPACT: Existing funds are available for this project. No additional appropriation action is required.	

**FOR QUESTIONS CONTACT: Michael O'Connell, Acting Deputy Director, Public Works at (408) 535-8300 or Bhavani Yerrapotu, Deputy Director, Environmental Services at (408) 945-5321.**