

**MINUTES OF THE
SAN JOSÉ/SANTA CLARA
TREATMENT PLANT ADVISORY COMMITTEE**

San José City Hall, Hybrid
Thursday, September 14, 2023 at 4:00 p.m.

1. ROLL CALL

Prior to the start of the meeting Vice Chair Cohen made a statement for the record that Chair Watanabe was attending this meeting remotely for Just Cause pursuant to California Government Code Section 54593 (AB 2449). Chair Watanabe is participating in this meeting by Zoom. Vice Chair Cohen confirmed that we could hear and see Chair Watanabe and she can hear and see the other meeting participants. When asked Chair Watanabe confirmed that there was no one in the room with her who was 18 years of age or over, she was asked to advise the committee if that changed. Vice Chair Cohen also stated that votes would be by roll call. Chair Watanabe started the Treatment Plant Advisory Committee meeting at 4:02 p.m. Pacific time, 7:02 p.m. Eastern time at her location and asked for roll call. Roll Call was taken with the following members in attendance:

Committee Members: Domingo Candelas, David Cohen, Dev Davis, Karen Hardy, Kip Harkness, Patrick Kwok, Rowena Turner, Kathy Watanabe

2. APPROVAL OF MINUTES

A. May 18, 2023

Action: On a motion made by Committee Member Davis and a second by Committee Member Candelas, TPAC recommended approval of the Minutes:

Ayes - 5 (Candelas, Cohen, Davis, Harkness, Turner)

Nays - 0

Abstain - 3 (Hardy, Kwok, Watanabe)

Absent - 1 (Montano)

3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS

There was no unfinished business.

4. DIRECTOR'S REPORT

A. Director's Report (verbal)

Director Romanow reported that the CIP External Quarterly Report April – June 2023 was published and available in the agenda packet. She also invited committee members to a

ribbon cutting at the Regional Wastewater Facility at 10:00 a.m. on October 12 adding that invitations had been sent out.

5. AGREEMENTS/ACTION ITEMS

A. Election of Chair

Committee Member Karen Hardy nominated Committee Member David Cohen. There were no other nominations.

Action: TPAC elected David Cohen as TPAC Chair.

Ayes - 8 (Candelas, Cohen, Davis, Hardy, Harkness, Kwok, Turner, Watanabe)

Nays - 0

Absent - 1 (Montano)

B. Election of Vice Chair

Committee Member Dev Davis nominated Committee Member Karen Hardy. There were no other nominations.

Action: TPAC elected Karen Hardy as TPAC Vice Chair.

Ayes - 8 (Candelas, Cohen, Davis, Hardy, Harkness, Kwok, Turner, Watanabe)

Nays - 0

Absent - 1 (Montano)

C. Recommendation to the City Council on Insurance Renewals for San José-Santa Clara Regional Wastewater Facility

Staff Recommendation:

Recommend that the City Council authorize the Director of Finance to:

(a) Select and purchase City property and liability insurance for the San José – Santa Clara Regional Wastewater Facility for the period October 1, 2023 to October 1, 2024, at a total cost not-to-exceed \$633,887 as well as an 18 percent contingency for additional property or assets scheduled, subject to the appropriation of funds with the following carriers:

(1) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage;

(2) Beazley Syndicate 2623/623 at Lloyd’s for Terrorism Insurance;

(3) The Princeton Excess and Surplus Lines Insurance Company and Arch Specialty Insurance Company for \$15 million in Excess Flood Insurance on a 50/50 quota share basis; and

(4) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the San José – Santa Clara Regional Wastewater Facility.

This item is scheduled for City Council consideration on September 26, 2023.

There was a brief presentation given by City of San José Finance department Risk Manager, Miguel Berna joined by finance department colleague Amber Hatfield and panelist P. J. Skarlanic of Alliant Insurance Services, the City's insurance broker. Miguel and P.J. responded to questions from Committee Member Hardy and statement of appreciation for staff's efforts on the insurance renewals from Committee member Harkness. Member of the public Dean Stanford asked about potential insurance coverage for recreational use of reclaimed land as park land.

Action: On a motion made by Committee Member Hardy and a second by Committee Member Davis, TPAC recommended approval of item 5.C.

Ayes - 8 (Candelas, Cohen, Davis, Hardy, Harkness, Kwok, Turner, Watanabe)

Nays - 0

Absent - 1 (Montano)

D. San José-Santa Clara Regional Wastewater Facility Capital Improvement Program Annual Status Report

Staff Recommendation to Committee for City Council:

Accept the annual status report on the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program for the period of January through December 2022.

This item was heard and accepted by the Transportation and Environment Committee on March 6, 2023.

Assistant Director Mariana Chavez-Vazquez introduced acting CIP Deputy Director, David Ohlson, who gave a brief presentation and responded to questions from Committee Members Hardy and Kwok. Staff told Committee Member Kwok that we would have to get back to him regarding his question on O&M costs to operate the new headworks.

Action: On a motion made by Committee Member Watanabe and a second by Committee Member Davis, TPAC recommended approval of item 5.D.

Ayes - 6 (Candelas, Cohen, Davis, Hardy, Harkness, Watanabe)

Nays - 2 (Kwok, Turner)

Absent - 1 (Montano)

6. OTHER BUSINESS/CORRESPONDENCE

There were no comments from the committee or public on this item.

7. STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC

A. First Amendment to the Agreement with Ethosoft, Inc. for a Laboratory Information Management System.

Staff Recommendation to Committee for City Council:

Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement for a Laboratory Information Management System with Ethosoft, Inc. (Norcross, Georgia) to extend the initial term for an additional 12 months through June 14, 2024, under the same material terms and conditions as the original Agreement with no change in initial term compensation, and exercise up to nine one-year options to extend the Agreement through June 14, 2033, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds. (Finance)

This item was approved by City Council on May 23, 2023.

B. Proposed 2023-2024 O&M Budget

Staff Recommendation:

TPAC approval of the San José-Santa Clara Regional Wastewater Facility Proposed 2023-2024 Operating & Maintenance Budget.

This item was approved by City Council on June 13, 2023, and adopted on June 20, 2023.

C. Proposed 2024-2028 CIP

Staff Recommendation:

TPAC approval of the San José-Santa Clara Regional Wastewater Facility Proposed Five-Year 2024-2028 Capital Improvement Program.

This item was approved by City Council on June 13, 2023, and adopted on June 20, 2023.

There were no comments from the committee or public on this item.

8. REPORTS

A. Open Purchase Orders Greater Than \$100,000 (including Service Orders)

Monthly Procurement and Contract Activity Reports summarizes the purchase and contracting between \$100,000 and \$1.3 Million for Goods and \$100,000 and \$320,000 for Services.

B. Report on Activities Undertaken by the Director of Environmental Services Pursuant to Title 27 of the San Jose Municipal Code for the Period of January 1, 2023 – June 30, 2023.

There were no comments from the committee or public on these items.

9. **MISCELLANEOUS**

- A. The next TPAC Meeting is scheduled on **October 12, 2023 at 4:00 p.m.**, in person at City Hall, Room 1734.

10. **OPEN FORUM**

Member of the Public Dean Stanford spoke about the State of California considering proposals for park use on the reclaimed land with up to \$30 million of SB155 funding. He also spoke to his concerns regarding the Pond A18 situation advocating its retention as part of a plan to save the bay trail, stating the Shoreline project plan is unbalanced and does not include Pond A18.

11. **ADJOURNMENT**

The Treatment Plant Advisory Committee was adjourned at 4:25 p.m.



David Cohen, Chair
TREATMENT PLANT ADVISORY COMMITTEE