

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

San José Santa Clara Regional Wastewater Facility, Environmental Services Building,
4245 Zanker Road, San José, CA 95134 – Hybrid
Thursday, October 12, 2023 at 11:15 a.m.

1. ROLL CALL

Minutes of the Treatment Plant Advisory Committee Special Meeting convened this date at 11:13 a.m. Chair Cohen called the meeting to order 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, Patrick Kwok, Kathy Watanabe

2. APPROVAL OF MINUTES

A. September 14, 2023

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

Ayes - 7 (Candelas, Cohen, Davis, Harkness, Kwok, Montano, Watanabe)

Nays - 0

Absent - 2 (Harkness, Turner)

3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS

There was no unfinished business.

4. DIRECTOR'S REPORT

A. Director's Report (verbal)

Director Romanow stated there was no report.

5. AGREEMENTS/ACTION ITEMS

A. **First Amendment to the Master Consultant Agreement with Cornerstone Earth Group for Environmental Support Services**

Staff Recommendation:

Approve the First Amendment to the Master Consultant Agreement with Cornerstone Earth Group, Inc. for environmental consulting services, increasing the amount of compensation by \$500,000 for a total agreement not to exceed \$1,500,000.

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

Ayes - 7 (Candelas, Cohen, Davis, Hardy, Kwok, Montano, Watanabe)

Nays - 0

Absent - 2 (Harkness, Turner)

B. Second Amendment to the Master Consultant Agreements with Quality Assurance Engineering, Inc. dba Consolidated Engineering Laboratories, Construction Testing Services, Inc., and Signet Testing Labs, Inc. for Special Inspection and Materials Testing Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendation:

Approve the Second Amendment to the Master Consultant Agreements with Quality Assurance Engineering, Inc. dba Consolidated Engineering Laboratories, Construction Testing Services, Inc., and Signet Testing Labs, Inc. for special inspection and materials testing services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program, extending the term from December 31, 2023 to December 31, 2026 at no additional cost to the City.

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

Ayes - 7 (Candelas, Cohen, Davis, Hardy, Kwok, Montano, Watanabe)

Nays - 0

Absent - 2 (Harkness, Turner)

C. Biosolids Public-Private Partnership Facility Status Report

Staff Recommendation:

Accept the status report on the proposed biosolids public-private partnership facility at the San José-Santa Clara Regional Wastewater Facility.

During discussion on this item, Senior Deputy City Attorney Rosalia Burgueno-Tapia requested confirmation that committee member Rowena Turner's virtual participation in the meeting as an acting voting member was in accordance with AB 2449's Just Cause or Emergency requirements. City Attorney Burgueno-Tapia read portions of AB 2449 aloud and asked committee member Turner if just cause or emergency applied. Committee member Turner's responses confirmed that neither just cause or emergency was shown, pursuant to AB2449, and, therefore, she could not participate virtually as an acting voting member.

Chair Cohen proceeded to ask for public comment on the item under consideration. Member of the public, James Dunbar, General Manager of Listek International, a vendor involved in the public-private partnership, spoke in support of the goals of the project. ESD Director Kerrie Romanow and Assistant Director Chavez-Vazquez responded to questions from committee members Hardy, Kwok, Montano and Chair Cohen regarding project timelines, Newby Island landfill, initial project capacity goals and future options, vendor compliance, and long term capability and capacity to deliver assurance.

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

Ayes - 7 (Candelas, Cohen, Davis, Hardy, Montano, Watanabe)

Nays - 1 (Kwok)

Absent - 2 (Harkness, Turner)

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. 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 was approved by City Council on September 26, 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.

There was no report this month.

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

9. **MISCELLANEOUS**

A. The next TPAC Meeting is scheduled on **November 9, 2023 at 4:00 p.m.**, in person at City Hall, Room 1734.

10. **OPEN FORUM**

There was no Public Comment.

Committee Member Montano asked if there was an ongoing educational, facility touring and outreach effort at the RWF. ESD Director Romanow stated that there were no specific resources targeting such efforts but links to videos, and other existing resources could be made available. Committee members Hardy and Davis stated their support for such efforts including educational and professional development and job opportunity outreach to local schools, high schools, and community. Committee member Kwok stated that the Biosolids project was consistent with Cupertino Sanitary District standards.

11. **ADJOURNMENT**

The Treatment Plant Advisory Committee meeting was adjourned at 11:46 a.m.



David Cohen, Chair
TREATMENT PLANT ADVISORY COMMITTEE