

**MINUTES OF THE  
SAN JOSÉ/SANTA CLARA  
TREATMENT PLANT ADVISORY COMMITTEE**  
San José City Hall, Hybrid  
Thursday, December 14, 2023 at 4:00 p.m.

**1. ROLL CALL**

Minutes of the Treatment Plant Advisory Committee Meeting convened this date at 4:02 p.m. Committee Chair Cohen called the meeting to order and asked for roll call. Roll call was taken with the following members in attendance.

**Committee Members:** David Cohen, Karen Hardy, Kip Harkness, Patrick Kwok, Rowena Turner, Kathy Watanabe, Domingo Candelas (4:05pm), Dev Davis (4:23pm)

**2. APPROVAL OF MINUTES**

A. October 12, 2023

**Action: On a motion made by Committee Member Montano and a second by Committee Member Hardy, TPAC recommended approval of the Minutes:**

**Ayes - 7** (Cohen, Hardy, Harkness, Kwok, Montano, Turner, Watanabe)

**Nays - 0**

**Absent - 2** (Candelas, Davis)

**3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS**

There was no unfinished business.

**4. DIRECTOR'S REPORT**

A. Director's Report (verbal)  
CIP External Quarterly Report, July – September 2023

Director Romanow reported on staffing changes within the Director's Office and at the Regional Wastewater Facility. She also reported on work with Valley Water on dry levee and on enhancing the Purified Water Partnership, noting that the work has no existing commitments, and that any recommendations will be brought for consideration to citizens, the Committee, and City Council. Committee Member Harkness thanked outgoing staff for doing good work. Director Romanow responded to questions and comments by Committee Member Kwok about the expiration date for the Silicon Valley Water Treatment Plant's lease and concerns about continuation of the work, and stated that staff was reviewing how to rework existing contractual responsibility to redefine the project

scope to focus on efficient delivery.

**5. AGREEMENTS/ACTION ITEMS**

**A. Actions Related to the Purchase Orders with Hasa Inc. For Liquid 12.5% Sodium Hypochlorite**

**Staff Recommendation to Committee for City Council:**

Adopt a resolution authorizing the City Manager or her designee to:

(a) Amend purchase order OP 63603 with Hasa Inc. (Saugus, CA) for Liquid 12.5% Sodium Hypochlorite to increase the total compensation by \$1,950,000, for a revised maximum compensation not-to-exceed \$3,380,000 for the period ending on or about June 30, 2024; and

(b) Execute additional annual purchase orders for ongoing Liquid 12.5% Sodium Hypochlorite purchases pursuant to competitive solicitations facilitated by the Bay Area Chemical Consortium, subject to the appropriation of funds.

There was no presentation or public comment for this item. Committee Chair Cohen stated his support for Sodium Hypochlorite. Committee Vice-chair Hardy acknowledged rising prices and reported that she was unaware of any other suppliers. Chief Plant Operator Tim Lewis and Assistant Director Chavez-Vazquez reported that the use of the Bay Area Chemical Consortium has ensured the most competitive prices possible. Committee Member Turner asked if the item was voted on the December 12, 2023 City Council meeting. Director Romanow confirmed that it had been approved and was presented to City Council first due to the item being critical to plant operations and because there were no more City Council meetings for the remainder of the year. Committee Member Kwok acknowledged the urgency of the item, but expressed his desire that future decisions get reviewed by the committee first. Committee Chair Cohen acknowledged the timing issue and thanked Committee Member Turner for bringing up the date. Committee Member Turner stated that she would abstain from voting due to the item having already been approved by City Council. Committee Member Kwok stated that he does not have objections with this item but wants to have consistent policy. Committee Member Montano stated that she voted yes because the item supply was a safety issue.

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

**Ayes - 6** (Candelas, Cohen, Hardy, Harkness, Montano, Watanabe)

**Nays - 1** (Kwok)

**Abstain - 1** (Turner)

**Absent - 1** (Davis)

**B. Actions Related to the Purchase Orders with Kemira Water Solutions, Inc., for Ferric Chloride**

**Staff Recommendation to Committee for City Council:**

Adopt a resolution authorizing the City Manager or her designee to:

(a) Amend purchase order OP 63578 with Kemira Water Solutions, Inc. (Lawrence, KS) for ferric chloride to increase the total compensation by \$2,000,000, for a revised maximum compensation not-to-exceed \$3,430,000 for the period ending on June 30, 2024; and

(b) Execute additional annual purchase orders for ongoing ferric chloride purchases pursuant to competitive solicitations facilitated by the Bay Area Chemical Consortium, subject to the appropriation of funds.

There was no presentation or public comment. Committee Chair Cohen acknowledged that the same issue occurred with this item as the previous item regarding coming to committee after having been approved by City Council on December 12, 2023, due to the timing of the meeting.

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

**Ayes - 6** (Candelas, Cohen, Hardy, Harkness, Montano, Watanabe)

**Nays - 1** (Kwok)

**Absent - 1** (Davis)

**Abstention – 1** (Turner)

**C. Actions Related to the 7760 – Facility-Wide Water Systems Improvements Project at the San Jose-Santa Clara Regional Wastewater Facility**

**Staff Recommendation to Committee for City Council:**

(a) Accept the report on bids and award of a contract for the construction of 7760 – Facility-wide Water Systems Improvements Project to the lowest responsive, responsible bidder, Ranger Pipelines, Inc., in the amount of \$59,490,760;

(b) Approve a 15% contingency in the amount of \$8,923,614;

(c) Adopt the following 2023-2024 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Support Building Improvements appropriation to the Environmental Services Department by \$8,000,000; and

(2) Increase the Facility Wide Water Systems Improvements appropriation to the Environmental Services Department by \$8,000,000;

(d) Adopt the Addendum to the Environmental Impact Report for the San José-Santa Clara Regional Water Pollution Control Plant Master Plan (SCH #2011052074), Facility-wide Water Systems Improvements Project, File No. ER20-209, in accordance with the California Environmental Quality Act (CEQA), as amended.

Assistant Director Chavez-Vazquez stated for the record that there was a clerical change

in the recommendation order going to Council, moving the CEQA item (subsection (d)) to be first in order. CIP Deputy Director Kapil Verma presented on this item. There was no public comment. Assistant Director Chavez-Vasquez and Director Romanow responded to questions from Committee Member Montano about the water source and about the decommissioning project on aging wells. CIP Deputy Director Verma responded to questions from Committee members Hardy, Kwok, and Watanabe about soil corrosivity and material protections for piping. Assistant Director Chavez-Vazquez, Director Romanow, and CIP Deputy Director Verma responded to concerns and requests for reasoning from Committee Vice Chair Hardy, Montano, and Turner for the 15% contingency, stating that the extra flexibility was to account for unexpected project costs and that future contingencies over 10% would be better justified by the City. Committee Chair Cohen requested staff bring a report of past contingency usage. Committee Vice-chair Hardy motioned to approve but indicated that it was with an understanding that staff would bring back a report of past contingencies. There were no questions from the public.

**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, Montano, Watanabe)

**Nays - 1** (Turner)

**Absent - 0**

**D. Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for Engineering Services for the 7760 – Facility Wide Water Systems Improvements Project**

**Staff Recommendation to Committee for City Council:**

Approve the Second Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for engineering services for the Facility Wide Water Systems Improvements project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$3,000,000, for a total agreement amount not to exceed \$8,370,000; and extending the term of agreement from December 31, 2025, to December 31, 2027.

There was no presentation for this item. Assistant Director Chavez-Vazquez gave a brief overview of this item. Assistant Director Chavez-Vazquez and Director Romanow responded to questions from committee members Cohen and Hardy about delivery costs, clarifying that funding was already accounted for in the delivery costs of the total project and that the use of a consultant engineer was due to a lack of in house staff and expertise for the design build. There were no questions or comment from public.

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

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

**Nays – 2** (Kwok, Turner)

**Absent - 0**

**E. Master Consultant Agreement with Carollo Engineers, for Engineering Services as Owner’s Advisor for the 10199 – Additional Digester Facility Upgrade Project**

**Staff Recommendation to Committee for City Council:**

Approve a Master Consultant Agreement with Carollo Engineers to provide engineering services as Owner’s Advisor for the 10199 – Additional Digester Facility Upgrade Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2031, in a total amount not to exceed \$7,900,000, subject to the appropriation of funds.

Assistant Director Chavez-Vazquez presented on this item. There was no public comment. Committee Member Kwok asked why no interview was conducted in the procurement process and asked if the evaluation was done internally or externally. Assistant Director Chavez-Vazquez expressed concern about responding without potentially violating the City’s procurement rules and City Attorney Burgueno-Tapia was unable to confirm if the City was allowed to answer the question. Director Romanow asked Committee Member Kwok if he would accept a future report by the City with an informational overview of the procurement process, and Committee Member Kwok agreed. Committee Vice-Chair Hardy stated her support for having a FOG (Fats, Oils, and Grease) receiving station in San Jose due the lack of other stations in the jurisdiction and asked for the timeline for when the receiving station could come online. Assistant Director Chavez-Vasquez explained that the City could, if necessary, accelerate that portion of the project first due to the flexibility of the design build process, and that once the contract is awarded, the requested facility could be online within 2 years. Assistant Director Chavez-Vazquez responded question from Committee Member Turner about funding, confirming that the allocation is done every fiscal year over the contract period, as expenses are incurred. There were no questions from the public.

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

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

**Nays - 3** (Kwok, Montano, Turner)

**Absent - 0**

**F. Amendment to the Master Consultant Agreement with Environmental Science Associates for Environmental Consulting Services**

**Staff Recommendation to Committee for City Council:**

Approve the First Amendment to the Master Consultant Agreement with Environmental Science Associates for environmental consulting services, increasing the amount of compensation by \$1,000,000 for a total agreement not to exceed \$2,000,000.

There was no presentation for this item. Assistant Director Chavez-Vazquez gave a brief overview on this item. There were no comments from the committee or public on this item.

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

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

**Nays - 3** (Kwok, Montano, Turner)

**Absent - 0**

**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 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.

**This item was approved by City Council on October 24, 2023.**

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

**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**

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.

**This item was approved by City Council on October 24, 2023.**

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

**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.

**This item was approved by City Council on October 24, 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 were no comments from the committee or public on this item.

**9. MISCELLANEOUS**

**A. The next TPAC Meeting is scheduled on **January 11, 2024 at 4:00 p.m., in person at City Hall, Room 1734.****

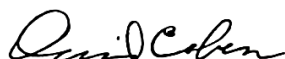
Director Romanow stated that this meeting will be cancelled.

**10. OPEN FORUM**

There was no Public Comment.

**11. ADJOURNMENT**

The Treatment Plant Advisory Committee meeting was adjourned at 4:58 p.m.



David Cohen, Chair  
TREATMENT PLANT ADVISORY COMMITTEE