

SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE

CHUCK REED, CHAIR
BOB LIVENGOOD, VICE-CHAIR
KEVIN MOORE, MEMBER
PATRICIA MAHAN, MEMBER
MADISON NGUYEN, MEMBER

KEN YEAGER, MEMBER
JOHN GATTO, MEMBER
ED SHIKADA, MEMBER
NORA CAMPOS, MEMBER

AGENDA

4:30 p.m.

February 12, 2009

Room T-1047

1. ROLL CALL

2. MINUTES

A. Minutes of January 8, 2009

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. Technical Committee Recommendation (Handout)

B. Action Item – TPAC Recommendation for Approval Requested

The following item is scheduled to be approved by the San Jose City Council on February 24, 2009:

1. Amend Resolution No. 68900 to apply the Living Wage Policy to contracts issued for the San Jose Santa Clara Water Pollution Control Plant.

C. Information Item – TPAC Item Previously Recommended for Approval

The following items were approved by the San Jose City Council on January 13, 2009:

1. Adopt the following 2008-2009 Appropriation Ordinance amendments in the San Jose-Santa Clara Treatment Plant Capital Fund (512):
 - a. Increase the appropriation for Transfer to the Clean Water Financing Authority for Series 2005A/B Bond by \$3,700,000;
 - b. Establish an appropriation for 2005A Bonds Reserve Fund in the amount of \$5,402,000; and
2. Adopt a resolution authorizing the Governing Board of the San Jose-Santa Clara Clean Water Financing Authority (the “Authority”) to issue its Sewer Revenue Refunding Bonds, Series 2009A (the “2009A Bonds”) in an aggregate principal amount not to exceed \$35,000,000, in connection with the refinancing of certain public capital improvements to the San Jose-Santa Clara Water Pollution Control Plant, to be sold through negotiated sale, and authorizing the execution of certain financing documents and other actions as necessary in connection with the issuance of the 2009A Bonds.

D. Information Item – TPAC Item Previously Recommended for Approval

The following items were approved by the San Jose City Council on January 27, 2009:

1. Accept this status report on the nature and content of the discussions of the Recycled Water Liaison Committee concerning a long term agreement on joint development of recycled water facilities and direct staff to continue to support discussions and provide periodic reports on future progress and policy recommendations.

E. Information Item – TPAC Item Previously Recommended for Approval

The following items were approved by the Transportation and Environment Committee on February 2, 2009:

1. Accept this report and recommend that Council:
 - a. Approve the proposed Dental Amalgam Program; and
 - b. Direct the City Attorney’s Office to draft an ordinance amending Chapter 15.14 of the San Jose Municipal Code to regulate dental practices under a Dental Wastewater Permit and require the installation of amalgam separators and implementation of Best Management Practices.
2. Accept this report and recommend that Council direct the City Attorney’s Office to draft an ordinance amending Chapter 15.14 of the San José Municipal Code to require that:

- a. Food service establishment operators periodically pump, clean and maintain grease removal devices and keep maintenance records on-site for three years; collect yellow grease for recycling; install grease removal devices where there has been a sanitary sewer overflow or blockage; and remove food grinders under specified circumstances; and;
- b. Property owners be responsible for operation and maintenance of any shared grease interceptor serving multiple food service establishments.

7. **MISCELLANEOUS**

- A. The next TPAC meeting will be Thursday, March 12, 2009, at 4:30 p.m. City Hall, Environmental Services, 10th Floor, Room 1047.

8. **OPEN FORUM**

9. **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, 10th Floor, Environmental Services at the same time that the public records are distributed or made available to the legislative body.

DRAFT
MINUTES OF THE
SAN JOSÉ/SANTA CLARA
TREATMENT PLANT ADVISORY COMMITTEE
City Hall, Environmental Services, 10th Floor, Room 1047
Thursday, January 8, 2009 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: Chuck Reed (Chair), Bob Livengood, Patricia Mahan, Kevin Moore, Curtis Harrison, Madison Nguyen, Nora Campos, Ed Shikada.

Staff present: Monica Perras, Dale Ihrke, John Stufflebean, Joe Denk, Elaine Marshall, Melody Tovar, Tim Tung,.

Others present: Robert Reid (West Valley Sanitation), Alan Kurotori (City of Santa Clara), Steve Machida (Cupertino Sanitary District), Kathleen Phalen (City of Milpitas), Ted Trujillo, (SJP, Mayors Office) Bob Wilson, Mansour Nasser, Steven Osborn, Jeff Janssen, Eric Rosenblum, (City of San Jose), Keith Whitman, Hossein Ashkotorab (Santa Clara Valley Water District), , David Wall (San José City Resident).

2. APPROVAL OF MINUTES

Minutes of December 11, 2008.

Motion by Committee member Harrison and Second by Committee member Nguyen to accept the minutes of December 11, 2008.

3. UNFINISHED BUSINESS

4. CORRESPONDENCE

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.

Motion by Committee Member Harrison and seconded by Committee Member Nguyen accept the Open Purchase Orders.

6. AGREEMENTS

- A. Technical Committee Recommendation (Handout)

Motion by Committee Member Harrison and seconded by Committee Member Nguyen to accept the recommendation.

B. Action Item – TPAC Recommendation for Approval Requested

The following item is scheduled to be approved by the San Jose City Council on January 13, 2009:

1. Adopt the following 2008-2009 Appropriation Ordinance amendments in the San Jose-Santa Clara Treatment Plant Capital Fund (512):
 - a. Increase the appropriation for Transfer to the Clean Water Financing Authority for Series 2005A/B Bond by \$3,700,000;
 - b. Establish an appropriation for 2005A Bonds Reserve Fund in the amount of \$5,402,000; and
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Motion by Committee Member Mahan and seconded by Committee Member Nguyen to accept Items 6.B.1 & 2.

C. Action Item – TPAC Recommendation for Approval Requested

The following item is scheduled to be approved by the San Jose City Council on January 27, 2009:

1. Accept this status report on the nature and content of the discussions of the Recycled Water Liaison Committee concerning a long term agreement on joint development of recycled water facilities and direct staff to continue to support discussions and provide periodic reports on future progress and policy recommendations.

Motion by Committee Member Nguyen and seconded by Committee Member Livengood to accept Item 6.C.1.

D. Action Item – TPAC Recommendation for Approval Requested

The following items are scheduled to be heard by the Transportation and Environment Committee on February 2, 2009:

1. Accept this report and recommend that Council:
 - a. Approve the proposed Dental Amalgam Program; and
 - b. Direct the City Attorney's Office to draft an ordinance amending Chapter 15.14 of the San Jose Municipal Code to regulate dental practices under a Dental Wastewater Permit and require the installation of amalgam separators and implementation of Best Management Practices.

2. Accept this report and recommend that Council direct the City Attorney's Office to draft an ordinance amending Chapter 15.14 of the San José Municipal Code to require that:
 - a. Food service establishment operators periodically pump, clean and maintain grease removal devices and keep maintenance site for three years; collect yellow grease for recycling; install grease removal devices where there has been a sanitary sewer overflow or blockage; and remove food grinders under circumstances; and;
 - b. Property owners be responsible for operation and maintenance of any shared grease interceptor serving multiple food service establishments.

records on-
specified

Motion by Committee Member Harrison and seconded by Committee Member Nguyen to accept Items 6.D.1 & 2.

E. Informational Item – TPAC Item Previously Recommended for Approval

The following items were approved by the San Jose City Council on December 16, 2008.

1. Report on bids and award of contract for the construction of the Environmental Services Building Repair Project to the lowest responsible bidder, Zolman Construction & Development, Inc., for the base bid in the amount of \$3,600,000, and approval of a contingency in the amount of \$540,000.

2. Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Allana Buick & Bers, Inc. for professional services related to the repair and modifications of the San José/Santa Clara Water Pollution Control Plant's Environmental Services Building, modifying the scope of services and increasing the compensation

by an amount not to exceed \$200,000 for a total maximum amount not to exceed \$787,495; and extending the term of the agreement by five months to December 31, 2010.

7. MISCELLANEOUS

- A. The next TPAC meeting will be Thursday, February 12, 2009, at 4:30 p.m. City Hall, Environmental Services, 10th Floor, Room 1047.

8. PUBLIC COMMENT

David Wall submitted a memo with suggested items to be heard on the February 12, 2009 TPAC agenda.

Curtis Harrison announced that this would be his last TPAC meeting.

10. ADJOURNMENT

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

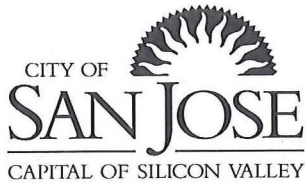
Chuck Reed, Chair
Treatment Plant Advisory Committee

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

December 15, 2008 - January 23, 2009

Description of Contract Activity ¹	Fiscal Year	Req#/RFP#	PO#	Vendor/Consultant	Original \$ Amount	Start Date	End Date	Additional \$ Amount	Total \$ Amount
Pipeline/ Tank Cleanout	2008/09	09002	OP 42645	PSC Industrial Outsourcing	\$140,000	12/10/08	8/1/09		\$140,000

¹ 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: John Stufflebean

SUBJECT: SEE BELOW

DATE: 02-02-09

Approved

Date

COUNCIL DISTRICT: City-Wide

**SUBJECT: APPLICATION OF LIVING WAGE POLICY TO CONTRACTS FOR THE
WATER POLLUTION CONTROL PLANT**

RECOMMENDATION

Adopt a resolution amending Resolution No. 68900 to provide that the City of San José Living Wage Policy shall apply to contracts issued for the San Jose/Santa Clara Water Pollution Control Plant.

OUTCOME

To provide a living wage for workers employed under service contracts at the Water Pollution Control Plant.

BACKGROUND

On June 8, 1999, the City Council adopted the City's Living Wage Policy. The Living Wage Policy provides a wage floor for various services including, but not limited to automotive repair and maintenance, security, pest control, janitorial, custodial and moving services. Additionally, the policy prescribes that contract employees for these services be provided with or able to afford health insurance, have reasonable time off, and not be subject to layoff merely because the City changes contractors. However, the current Policy exempts contracts which involve programs where the City shares management authority with other jurisdictions such as the San Jose/Santa Clara Water Pollution Control Plant unless the participating agencies agree.

On September 16, 2008, Council, as part of the approval of a one-year contract for security guard services at the Water Pollution Control Plant (Plant), directed staff to engage in discussions with

the Treatment Plant Advisory Committee (TPAC) to seek approval of extending the City of San José Living Wage Policy to contracts issued by the Plant.

ANALYSIS

As discussed above, the Living Wage Policy applies to various services. Currently, the Plant contracts for two services (custodial and security guards) covered by the City’s Living Wage Policy. The table below describes these services, the current contract amount, the term of the contracts, and the hourly wage rate paid to workers. Additionally, staff has confirmed that these contractors are currently providing health insurance benefits.

Service	Annual Contract Amount	Term of Contract	Hourly Wage Rate	
			Current (includes health benefits)	Living Wage w/ Health Provided
Custodial Services	\$126,000	4/1/07 – 3/31/12	\$13.91	\$12.83
Security Guard Services	\$188,000	10/1/08 - 9/30/09	\$11.00	\$12.83

Currently, the custodial services contractor is paying more than living wage while the Security Guard Services contractor is paying \$1.83 per hour below living wage. Based on the above analysis, after completion of a competitive Request for Proposal process, staff expects that Council approval of extending the Living Wage Policy to services contracted for the Plant would potentially increase the cost for providing such services. This potential higher wage increase may be balanced with an expected reduction in contractor staff turnover and a higher consistency in performance of the service.

EVALUATION AND FOLLOW-UP

This memorandum will not require any further follow-up from staff.

POLICY ALTERNATIVES

Alternative #1: Do not extend the Living Wage Policy to services contracted for the Water Pollution Control Plant.

Pros: Maintains lower cost for the service.

Cons: Does not ensure a living wage floor.

Reason for not recommending: In general, contracts with a living wage policy experience less turnover of staff and a higher consistency of service. Application of the Living Wage Policy should thus enhance protection of WPCP facilities, City employees, and the public.

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)**

While this requirement does not meet any of the above criteria, this memorandum will be posted on the City's website for the February 24, 2009 Council agenda. On February 12, 2009, the Treatment Plant Advisory Committee considered this recommendation.

COORDINATION

This memorandum was coordinated with the Finance Department, the Department of Public Works/Office of Equality Assurance, the City Manager's Budget Office, and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This Council item is consistent with Council approved Budget Strategy Memo General Principle #2: "We must focus on protecting our vital core City services."

COST SUMMARY/IMPLICATIONS

This recommendation may result in higher costs for services covered by the City's Living Wage Policy at the Water Pollution Control Plant.

HONORABLE MAYOR AND CITY COUNCIL

02-02-09

Subject: Application of Living Wage Policy to Contracts for WPCP

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CEQA

Not a project.



JOHN STUFFLEBEAN

Director, Environmental Services

For questions, please contact John Stufflebean, Director, at 408-535-8560.