

**DRAFT**  
**MINUTES OF THE**  
**SAN JOSÉ/SANTA CLARA**  
**TREATMENT PLANT ADVISORY COMMITTEE**  
City Hall, Environmental Services, 10<sup>th</sup> Floor, Room 1047  
Thursday, October 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 (Vice Chair), Kevin Moore, Patricia Mahan, Madison Nguyen, John Gatto, Nora Campos.

Staff present: Monica Perras, Dale Ihrke, Bhavani Yerrapotu, Mansour Nasser, John Stufflebean, Mollie Dent, John Newby, Matt Morley, Kirsten Struve, Beth Gonzales.

Others present: Dave Sykes, Ben Yurman-Glaser, Lauren Livengood (City of San Jose) Alan Kurotori, (City of Santa Clara), Steve Machida, (Cupertino Sanitary District), Kathleen Phalen (City of Milpitas), Jerry Strangis-(Strangis Property), Joey McCarthy(McCarthy Ranch), David Wall (San José City Resident).

**2. APPROVAL OF MINUTES**

Minutes of June 11, 2009.

Motion by Committee member Gatto and Second by Committee member Livengood to accept the minutes of June 11, 2009. Committee Member Moore was not present.

Committee Member Moore arrives.

**3. UNFINISHED BUSINESS**

A. McCarthy Property Status (Verbal Update)

Verbal update was accepted with direction to staff to answer the following questions at the December TPAC meeting:

1. What rights did the Plant purchase and what was the purchase price? What would the rights be worth now if the Plant were to agree to release the rights?
2. What is the potential for monetary liability to homeowners for damages if development is allowed to occur before the solar drying operation is discontinued?
3. What is the impact on the water recycling project that we are trying to get done, if we try to move forward now with discontinuing the solar drying operation at the same time? Does there need to be a prioritization, or can we do both? What are the potential rate increases associated with doing these projects separately and at the same time?

4. Could an assessment district be formed on the McCarthy property, as Mayor Reed asked earlier, to provide a funding source for all or a portion of the costs associated with discontinuing the solar drying operation? Is there some way to shift costs associated with that project to the developer or either to the developer or the homeowners over time, for a portion of the cost, or must all of the costs be paid for through rates?

Verbal update was accepted by unanimous vote.

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 was accepted by unanimous vote.

6. **AGREEMENTS**

- A. Technical Committee Recommendation (Handout)

Item was accepted by unanimous vote.

- B. Nomination and election of TPAC Chair for the term of October 8, 2009 through June 10, 2010.

Re-Nomination of Committee Member Reed and Vice Chair Livengood was accepted by unanimous vote.

- C. Agreements – TPAC Recommendation for Approval Requested

**The following item is scheduled to be approved by the San Jose City Council on October 6, 2009:**

1. Adoption of a resolution authorizing the Director of Environmental Services to:
  - a. Award the Contract for the Arzino Ranch Demolition Project to the lowest responsive bidder in an amount not to exceed \$506,000, and approve a ten percent construction contingency, subject to the concurrence of the Treatment Plant Advisory Committee; and
  - b. Hear and decide any timely bid protest(s), to make the City's final determination as to lowest responsive and responsible bidder, or to reject all bids and re-bid the project.

2. Adoption of a resolution approving the Arzino Ranch Demolition Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program (MMRP) for the project.

Item was accepted by unanimous vote.

D. Agreements – TPAC Recommendation for Approval Requested

**The following items are scheduled to be approved by the San Jose City Council on October 20, 2009:**

1. Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Water District (District) for cost sharing associated with water conservation programs in FY 2009-2010, under which the City will receive an amount not to exceed \$205,000 and the City will pay the District an amount not to exceed \$500,000 for a net cost to the City of \$295,000.
2. Approval of an amendment to the agreement with Mobile Modular Management Corporation to:
  - a. Extend the term of the agreement by six months to July 12, 2010, and Increase the total maximum amount of compensation from \$98,856.93 to \$122,322.69
3. Adopt a resolution:
  - a. Authorizing the Director of Environmental Services to execute a first amendment to the New Construction of Various Equipment 2008-2009 Contract with Anderson Pacific Engineering and Construction Inc. to:
    1. Change the contract term from a one year term with the option of two additional one year terms to a two year contract term.
    2. Modify the compensation to enable the payment of the total contract amount up to \$1,450,930.00 over a two year term instead of paying the total contract amount over a one year term with two optional one year terms

Item was accepted by unanimous vote.

E. Informational Items – TPAC Item Previously Recommended for Approval

**The following items were approved by the San Jose City Council on June 23, 2009:**

1. Proposed Capital Improvement Program – 2010-2014
2. Proposed Operating and Maintenance Budget – 2009-2010

3. Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Agreement with International Disposal Corporation of California, Inc. to:
  - a. Provide for the disposal of grease, grit, and screening, and the beneficial reuse of biosolids from the Water Pollution Control Plant, at an estimated annual expenditure of \$1,614,520 for Fiscal Year 2009-2010.
  - b. Reflect changes to the residential and commercial solid waste management program including, but not limited to, enabling the exclusive commercial franchisees to use the City's disposal capacity at the Newby Island Landfill at the City's rate, clarifying the compensation for baled residential recycling residue, providing for the processing of certain waste generated from the performance of municipal services, and redefining the basis for reimbursement of regulatory costs.
4. Direction to staff to explore feasibility, options and terms and conditions for an agreement that would allow International Disposal Corporation of California, Inc., to deliver leachate from Newby Island Sanitary Landfill to the San José/Santa Clara Water Pollution Control Plant and for the delivery of recycled water from the Plant to Newby using existing pipelines.

Items 6.C.1, 2 & 3 (a,b) & 4 were recommended for approval by unanimous vote.

5. Adoption of a resolution authorizing the Director of Public Works to negotiate and execute Contract Change Order No. 6 with Zolman Construction and Development, Inc. for the Environmental Services Building Repair Project in an amount not to exceed \$325,000 to replace the existing damaged vinyl floor in the laboratory area of the building with ceramic floor tile and to install new, upgraded data/voice cabling and a security system.
6. Increase the project funding for the ESB Repairs Project by \$325,000, and contingency authorization from 15% to 24% for a total project contingency of \$865,000.
7. Increase the project delivery funding for the ESB Repairs Project by \$50,000 for a total project delivery cost of \$1,094,000.

Items 6.C.5, 6 & 7 were accepted as late submissions and recommended for approval by unanimous vote.

F. Informational Item – TPAC Item Previously Recommended for Approval

**The following items were approved by the San Jose City Council on May 19, 2009.**

1. Approve an ordinance amending Chapter 15.14 of Title 15 of the San Jose Municipal Code to limit the discharge of dental amalgam into the sanitary sewer system and to require the installation of dental amalgam separators in certain dental offices.
2. Approve an ordinance amending Chapter 15.14 of Title 15 of the San Jose Municipal Code to revise provisions related to the discharge of grease into the sanitary sewer system, to establish requirements for food service establishments related to installation or upgrade of grease control devices, and to establish maintenance and recordkeeping requirements for grease control devices.
3. Approve the first amendment to the agreement with David J. Powers & Associates for environmental consultant services for various Environmental Services Department (ESD) projects by increasing the total compensation by \$250,000, from \$250,000 to an amount not to exceed \$500,000.

7. **MISCELLANEOUS**

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

8. **PUBLIC COMMENT**

David Wall commented on restructure of the sewer service and town homes and MFD needing a flat rate.

10. **ADJOURNMENT**

- A. The Treatment Plant Advisory Committee adjourned at 5:15 p.m.

Chuck Reed, Chair  
Treatment Plant Advisory Committee