

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

Staff present: Monica Perras, Dale Ihrke, Mansour Nasser, John Stufflebean, Mollie Dent, Kirsten Struve, Bhavani Yerrapotu, Jennifer Garnett, Cheryl Wessling.

Others present: Alan Kurotori, (City of Santa Clara), Steve Machida, (Cupertino Sanitary District), Kathleen Phalen (City of Milpitas), Robert Reid, (West Valley Sanitation District), Bob Wilson, (City of Santa Clara), David Wall (San José City Resident).

**2. APPROVAL OF MINUTES**

Minutes of November 12, 2009.

Motion by Committee member Gatto and second by Committee member Nguyen to accept the minutes of November 12, 2009. Committee Member Campos was not present.

**3. UNFINISHED BUSINESS**

A. McCarthy Property: Discussion of Committee questions concerning history of purchase of McCarthy Property interest, potential liability related discontinuance of solar drying operation, prioritization of discontinuance of solar drying operation, and potential for shifting costs associated with that project to the developer or either to the developer or the homeowners over time, for a portion of the costs, including use of an assessment district formed on the McCarthy property to provide a funding source for the costs.

Motion by Committee Member Nguyen and second by Committee Member Gatto to defer Item 3.A to the February 11, 2010 Treatment Plant Advisory Committee meeting.

**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.

Motion by Committee Member Gatto, seconded by Committee Member Moore to accept the report.

B. Tributary Agencies Available Plant Capacity – 2009

Motion by Committee Member Gatto, seconded by Committee Member Moore to accept the report.

6. **AGREEMENTS**

A. Technical Committee Recommendation (Handout)

Motion by Committee Member Yeager, seconded by Committee Member Moore to accept the Technical Committee Recommendation.

Committee Member Campos arrives

B. Agreements – TPAC Recommendation for Approval Requested

**The following item is scheduled to be approved by the San Jose City Council on, January 12, 2010:**

1. Progress report highlighting activities since March 2009 on the Master Plan for the San Jose/Santa Clara Water Pollution Control Plant (Plant).

Item 6.B.1 was approved unanimously.

C. Agreements – TPAC Recommendation for Approval Requested

**The following items are scheduled to be approved by the San Jose City Council on December 15, 2009:**

1. Installation of Potable and Non-Potable Water Services and Mains: 2009-2010 project:
  - (a). Reject all bids for the Installation of Potable and Non-Potable Water Services and Mains: 2009-2010 project.
  - (b). Adopt a resolution authorizing the Director of Public Works to:
    - (i) Award the contract for the Installation of Potable and Non-Potable Water Services and Mains: 2009-

2010 project to the lowest responsive and responsible bidder in an amount not to exceed \$726,000; and

- (ii) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive and responsible bidder, or to reject all bids and re-bid the project.

2. Approval of a Continuation Agreement with AEPC Group, LLC for consultant services for the preliminary design of the project entitled, "San José/Santa Clara Water Pollution Control Plant (Plant), Fiscal Year 2006-2007 Capital Improvement Program, Switchgear M5, Ring Bus, and Cable Replacement," to continue and extending the term of the agreement which expired on March 31, 2009 to June 30, 2010 at no additional cost to the City.
3. Report on bids and award of contract for the MCC H1, MCC H2, MCC J1, and MCC J2 Replacement Project to the lowest responsive bidder, Dynalectric Company, in the amount of \$1,637,295; and approval of a budget contingency of 15% contract amount, in the amount of \$245,595.

Item 6.C.1 was approved unanimously.

D. Informational Items – TPAC Item Previously Recommended for Approval

**The following items were approved by the San Jose City Council on November 17, 2009:**

1. Adopt a resolution authorizing the City Manager to negotiate and execute the Sixth Amendment to the construction service agreement with City of Santa Clara for the South Bay Water Recycling Program, revising the approved project list, increasing the maximum amount payable by \$3,000,000 to a total maximum amount not to exceed \$30,600,000 and extending the term of the agreement by eighteen months to December 31, 2011.
2. Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the San José-Santa Clara Treatment Plant Capital Fund:
  - a. Increase the appropriation to the Environmental Services Department for the Revised South Bay Action Plan – SBWR Extension by \$3,410,000; and
  - b. Decrease the Ending Fund Balance by \$3,410,000.
3. Award the purchase of office furniture to Western Contract Interiors (San Jose, CA) for a total amount not to exceed \$298,477, including delivery, assembly, installation and all applicable sales taxes, based upon a

previously awarded bid that contained additional quantity pricing, and authorize the Director of Finance to:

- a. Execute purchase orders as required to meet the Environmental Services Department Water Pollution Control Plant's (Plant) timeline for staff relocation to the Environmental Services Building located at 4245 Zanker Road; and
- b. Approve a contingency in the amount of \$29,848 for any unforeseen changes or requirements

Item 6.D.1-3 was approved unanimously.

E. Informational Item – TPAC Item Previously Recommended for Approval

**The following items were approved by the San Jose City Council on December 1, 2009.**

1. Adopt a resolution authorizing the City Manager to negotiate and execute the Sixth Amendment to the construction service agreement with City of Santa Clara for the South Bay Water Recycling Program, revising the approved project list, increasing the maximum amount payable by \$3,000,000 to a total maximum amount not to exceed \$30,600,000 and extending the term of the agreement by eighteen months to December 31, 2011.

Item 6.E.1 was approved unanimously.

7. MISCELLANEOUS

- A. The next TPAC meeting will be Thursday, January 14, 2010, at 4:30 p.m. City Hall, Environmental Services, 10<sup>th</sup> Floor, Room 1047.

8. PUBLIC COMMENT

David Wall commented on reclaimed water project and would like staff to work with him for additional information for January.

10. ADJOURNMENT

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

Chuck Reed, Chair  
Treatment Plant Advisory Committee