



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Carl W. Mosher

**SUBJECT:** SEE BELOW

**DATE:** 5-16-05

Approved

Date

5/5/05

**COUNCIL DISTRICT:** Citywide

**SUBJECT: CONSULTANT AGREEMENT WITH H.T. HARVEY & ASSOCIATES  
FOR LAND USE PLANNING AT THE SAN JOSE/SANTA CLARA  
WATER POLLUTION CONTROL PLANT INCLUDING POND A18**

## RECOMMENDATION

Approval of an agreement with H.T. Harvey & Associates to provide land use planning consultant services for the San Jose/Santa Clara Water Pollution Control Plant (Plant) including salt pond A18 for a not-to exceed amount of \$300,000 for a term of four (4) years.

## BACKGROUND

In October 2000, the San Jose City Council approved a policy entitled "Policy on Use of San Jose/Santa Clara Water Pollution Control Plant Lands," (Policy) to guide land use decisions on Plant lands. The Plant is owned jointly by the Cities of San Jose and Santa Clara. The Plant lands include approximately 1,760 acres in North San Jose and an 856-acre salt pond (Pond A18). Plant lands are administered by the City of San Jose on behalf of the San Jose/Santa Clara Water Pollution Control Plant joint powers authority.

The Plant lands are comprised of lands used for current Plant facilities, expansion areas, and buffer lands. Buffer lands currently serve not only to buffer adjacent land uses from potential odors and safety hazards (e.g., chlorine and sulfur dioxide) but are used for reuse of recycled water to assist in limiting dry weather flows to the Bay and to minimize the Plant's impact on salt marsh endangered species habitat. In the current Policy, the highest priority land use for Plant lands is to support present and future operations of the Plant and NPDES permit

compliance consistent with the General Plan and the Alviso Master Plan. The Policy also establishes criteria for the use of Plant buffer lands.

It has now been determined that a more comprehensive planning process for the Plant lands, similar to a master plan or specific area plan that can be linked to the General Plan is desirable to better define the Plant's needs and appropriate buffer land uses. Issues facing the Plant and service area that will be addressed by the plan include population increase, water quality issues, addressing the flow trigger, ecosystem protection and habitat on-site, flood control issues, cost, adjacent uses and pressures for use of buffer lands.

In June 2003, the San Jose City Council approved the City's purchase of salt pond A18 as additional buffer land for the Plant. A18 is an 856-acre parcel immediately North of the existing Plant lands and is adjacent to other salt ponds in the South Bay. The purchase of Pond A18 is expected to be finalized later this year. The recommended agreement will address the need for development of alternatives for potential future uses of pond A18 and the integration of this property with the overall operations of the Plant and potentially the ongoing federal/state salt pond restoration effort. The Regional Water Quality Control Board (Water Board) discharge permit for Pond A18 requires that a status report on the planning effort be submitted within three years of the discharge.

## ANALYSIS

Since the approval of the last update to the Land Use Policy in 2000, various uses have been proposed for the Plant's buffer lands. In order to better protect the vital service that the Plant provides and ensure that lands are used to support the Plant's permit requirements and future expansion, a master plan or specific plan is needed. The master plan will address the issues facing the Plant and service area with the goal to develop:

- A comprehensive, integrated, long-term plan as part of the San Jose General Plan.
- A policy for the physical development of the Plant, including planning for long-term infrastructure needs.
- A template for making land use decisions on Plant lands in the future.

The master plan will also integrate uses of Pond A18 with the remainder of the Plant lands. Unlike the State and Federal restoration process, the City is not under an obligation to restore all of A18, but may consider using portions of A18 for operational purposes. Permit requirements for the state and federal process were based on the premise of restoring all of the ponds to habitat. The A18 discharge received similar permit requirements, however, in order to ensure that A18 is not operated as a lagoon indefinitely and to protect the ecosystem, the Water Board required a status report on the planning process for future uses within three years. This consultant contract will assist City staff in the planning process and preparation of the required status report that will detail options considered for future uses.

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Due to the number and complexity of regulatory agencies and jurisdictions that will have some level of authority over land use decisions for A18, it is imperative that each consultant on the team has credibility in its respective area of expertise. After considering these complex factors, staff has determined that the City does not have either the capability or the capacity to accomplish this long term planning effort with only in-house staff. The contracting-in checklist has been completed.

On March 8, 2005, a competitive Request for Proposal (RFP) was issued to solicit proposals from consulting firms interested in providing land use planning, engineering design and wetlands restoration services to support the City's planning process for Plant lands and A18, including the development of a master plan/specific plan for the Plant, development of alternatives for the City's use of pond A18, the identification of environmental permitting requirements for the identified alternative(s) and the preparation of environmental review document(s) required for plan approval.

The RFP was posted on the City's bid line. A mandatory pre-proposal conference was held on March 21. Ten (10) firms attended the pre-proposal conference and submitted acknowledgement forms to confirm their interest in bidding on this project. On the closing date of April 12, two proposals were received from H.T. Harvey & Associates and Tetra Tech, who each assembled a group of subconsultants.

The success of this project is dependent upon having the availability of in-depth local expertise in several technical, regulatory, and planning fields. Engineering, hydrology and water/sediment chemistry are vital technical disciplines with important tools to help address the Plant's land use concerns and the ecological effects of the Plant's discharge on the surrounding estuarine ecosystem. H.T. Harvey, as the prime consultant, provides experience and credibility in the technical disciplines of biology and ecology. Biological/habitat constraints and opportunities will likely be the principal factors in defining uses for much of the subject planning area. The City's Planning Department typically uses consultant support in the development of documentation in support of the CEQA/NEPA processes and this team has over 20 years of experience providing such support to the City.

The proposals were evaluated by two panels (written and oral) that included representation from the Treatment Plant Technical Advisory Committee, ESD technical staff and a Principal Planner from the City's Department of Planning Building and Code Enforcement. Both panels ranked H.T. Harvey as more responsive than Tetra Tech. H.T. Harvey was recommended to provide the specified services.

### OUTCOMES

The approval of this action will result in a consultant contract that will provide technical expertise to ESD's land use planning effort on a task-by-task basis as needed over the next four years. The land use planning effort will result in a master/specific area plan for Plant lands and include alternatives for potential uses of A18, including appropriate environmental review of alternatives. The results of the planning effort will be brought to the City Council and Treatment Plant Advisory Committee for approval.

### PUBLIC OUTREACH

The RFP was posted for five weeks prior to the proposal due date on the ESD website and the Bid Hotline section of the Department of Public Work's website. In addition, email alerts were sent to potentially interested consultants.

### COORDINATION

The project and memorandum have been coordinated with the City Attorney's Office, the City's Planning Department, and the City Manager's Budget Office. This item is scheduled to be heard at the May 12, 2005 Technical Advisory Committee (TPAC) meeting.

### COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$300,000

2. COST OF PROJECT:

**TOTAL PROJECT COST**

**\$300,000**

3. SOURCE OF FUNDING: 513 – San Jose-Santa Clara Treatment Plant Operating Fund

4. FISCAL IMPACT: In accordance with the prescribed Mayor's Budget Strategy, this proposal meets the expressed principles by focusing on the protection of a vital core city service, the continued operation of the Plant, which serves 1.32 million residents.

This recommendation meets the general principles of the Mayor's FY 2003-04 Budget Strategy by protecting one of the Environmental and Utility Services core services: Healthy Streams, River, Marsh and Bay.

**BUDGET REFERENCE**

Fund #	Appn. #	Appn. Name	Total Appn.	Amt. For Contract	2004-2005 Adopted Operating Budget (Page)	Last Budget Action (Date, Ord. No.)
<b>Current Funding Available</b>						
513	0762	Non-Personal/Equipment	27,588,421	300,000	XI-65	10/12/2004, Ord. 27267
<b>Total Current Funding Available</b>			<b>27,588,421</b>	<b>300,000</b>		

**CEQA**

Not a Project.



CARL W. MOSHER  
Director, Environmental Services Department