

DRAFT
MINUTES OF THE
SAN JOSÉ/SANTA CLARA
TREATMENT PLANT ADVISORY COMMITTEE
City Hall, Environmental Services, 10th Floor, Room 1047
Thursday, February 25, 2010 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.

Staff present: Monica Perras, Dale Ihrke, John Stufflebean, Mollie Dent, Kirsten Struve, Bhavani Yerrapotu, John Newby, Eric Rosenblum.

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

2. APPROVAL OF MINUTES

Minutes of January 14, 2010.

Motion by Committee member Mahan and second by Committee member Moore to accept the minutes of January 14, 2010. Committee member Gatto abstained.

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.

Request for deferral to May TPAC unanimously approved.
David Wall submitted a speaker card stating neutral on this item.

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 5.A was approved unanimously.

6. **AGREEMENTS**

A. Technical Committee Recommendation (Handout)

Item 6.A was approved unanimously.

B. Agreements – TPAC Recommendation for Approval Requested

The following item was approved by the San Jose City Council on March 2, 2010:

1. Adopt a resolution approving the Santa Clara Valley Water District “Mitigated Negative Declaration for Advanced Water Treatment Facility (AWTF)” and direction to City staff to implement the mitigation measures identified in the Mitigated Negative Declaration as applicable to City activities related to the AWTF.
2. Adopt a resolution authorizing the City Manager or designee to (1) award the “Contract for AWTF Early Earthworks” to the lowest responsive and responsible bidder and to establish a ten percent (10%) construction contingency, in an amount, including the contract award plus contingency, not to exceed \$2 million; and (2) decide any timely protest(s), make the City’s final determinations to the lowest responsive and responsible bidder, or to reject all bids and rebid the project.
3. Approve “Agreement Between the City of San José and the Santa Clara Valley Water District for Integration of Facilities and Programs for the Use of Recycled Water in Santa Clara County” to promote cooperation between City and District related to the management and operation of their respective recycled water facilities for a term of forty years at an initial cost to the City not to exceed \$11 million (including the cost of the AWTF Earthwork contract) and an ongoing net cost to City of not to exceed \$2 million per year.
4. Approve “Ground Lease and Property Use Agreement By and Between the City of San José and the Santa Clara Valley Water District for Advanced Water Treatment Facility” for a term of forty years to allow the District to construct and operate an AWTF on approximately five (5) acres of property located at the San José/Santa Clara Water Pollution Control Plant and to use other Plant property to connect the AWTF to the Plant.

Motion by Committee member Mahan, second by Committee member Moore to accept Items 6.B.1, 2, 3 & 4. Committee Member Gatto opposed Item 6.B.3.

C. Agreements – TPAC Recommendation for Approval Requested

The following items were approved by the San Jose City Council on March 2, 2010:

1. Reject all bids for the San José/Santa Clara Water Pollution Control Plant, Filter Rehabilitation, FY 2009/2010 project.
2. Adopt a resolution authorizing the City Manager or her designee to:
 - (a) Award the contract for the San José/Santa Clara Water Pollution Control Plant, Filter Rehabilitation, FY 2009/2010 project to the lowest responsive and responsible bidder in an amount not to exceed \$300,000 and approval of a 10% construction contingency, subject to the concurrence of the Treatment Plant Advisory Committee; and
 - (b) 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 bid the project.

re-

Item 6.C.1 & 2 approved unanimously.

D. Informational Items – TPAC Item Previously Recommended for Approval

The following item was approved by the San Jose City Council on January 12, 2010:

1. Adopt a resolution authorizing the City Manager to submit a grant proposal to the California Energy Commission, Alternative and Renewable Fuel and Vehicle Technology Program, for up to \$10,000,000 for the development of a biomethane transportation fuel production facility on Water Pollution Control Plant lands, subject to the concurrence of the Treatment Plant Advisory Committee.

Item 6.B.1 was approved unanimously.

David Wall submitted a speaker card against this item

E. Informational Item – TPAC Item Previously Recommended for Approval

The following items were approved by the San Jose City Council on January 26, 2010.

Report on Request for Proposal (RFP) for security guard services at the Water Pollution Control Plant (WPCP) and adoption of a resolution authorizing the Director of Finance to:

1. Execute an agreement with First Alarm Security & Patrol, Inc. (Aptos, CA) for security guard services for an initial fourteen month term for the period February 1, 2010 to March 31, 2011, and a maximum compensation not to exceed \$225,139.
2. Execute amendments to the agreement to add and delete guard services as required subject to appropriation of funds.

3. Exercise two, one-year options to extend the agreement subject to annual appropriation of funds.

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

David Wall submitted a speaker card against this item.

7. **MISCELLANEOUS**

- A. The next TPAC will be on March 11, 2010 at 4:30 p.m. City Hall, Environmental Services, 10th Floor, Room 1047.

8. **PUBLIC COMMENT**

David Wall submitted a speaker card stating strengthening JPA's.

10. **ADJOURNMENT**

- A. The Treatment Plant Advisory Committee adjourned at 4:55 p.m.

Chuck Reed, Chair
Treatment Plant Advisory Committee