

**MINUTES OF THE  
SAN JOSE/SANTA CLARA  
TREATMENT PLANT ADVISORY COMMITTEE**  
City Hall, City Manager's Office, 17<sup>th</sup> Floor, Room 1734  
Thursday, February 12, 2015 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 taken, with the following members in attendance:

Committee members: Committee Members: Sam Liccardo, Pierluigi Oliverio, Margie Matthews, Jose Esteves, Angela Chen (alternate), Jerry Marsalli (alternate), Pat Kolstad, David Sykes, Steven Leonardis

Absent: Committee Members: John Gatto, Jamie Matthews

**2. APPROVAL OF MINUTES**

A. December 11, 2014

**Item 2.A was approved.**

**Ayes – 9** (Liccardo, Oliverio, M. Matthews, Esteves, Chen, Marsalli, Kolstad, Sykes, Leonardis)

**Nays – 0**

**3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS**

**4. DIRECTORS REPORT**

A. Directors Verbal Report:

- Monthly Progress Report

**5. AGREEMENTS/ACTION ITEMS**

A. Sanitary Sewer Flow Study Update

Staff Recommendation:

1. Accept the updated staff report regarding the attached Sanitary Sewer Flow; and
2. Approve the proposed changes and policy recommendations for future updates to the revenue program for the San José – Santa Clara Regional Wastewater Facility.

**The proposed Update is scheduled for Council consideration on March 3, 2015.**

**Motion by Committee Member Oliverio, second by Committee Member Kolstad to approve item 5.A.**

**Ayes – 9** (Liccardo, Oliverio, Matthews, Esteves, Chen, Marsalli, Kolstad, Sykes, Leonardis)

**Nays – 0**

Martha O'Connell spoke against this item

David Wall spoke against this item

(Committee Member Sam Liccardo suggested meeting venue be changed to the Wing Rooms)

**B. First Amendment to the Consultant Agreement with Brown and Caldwell for Engineering services for the digester and thickener Facilities Upgrade Project**

Staff Recommendation:

- a. Approve the First Amendment to the Consultant Agreement with Brown and Caldwell for engineering services for the Digester and Thickener Facilities Upgrade project at the San José – Santa Clara Regional Wastewater Facility, modifying the scope of services and increasing the amount of compensation by \$1,999,884, for a total agreement amount not to exceed \$14, 017,410; and extending the term of agreement from December 31, 2019 to June 30, 2020.
  
- b. Adopt the following 2014-2015 Appropriation Ordinance Amendments in the San Jose – Santa Clara Treatment Plant Capital Fund:
  - (1) Decrease the Energy Generation Improvements appropriation to the Environmental Services Department in the amount of \$955,000;
  - (2) Decrease the Digested Sludge Dewatering in the amount of \$545,000; and
  - (3) Increase the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department in the amount of \$1,500,000.

**The proposed Amendment is scheduled for Council consideration on February 24, 2015.**

**Motion by Committee Member Oliverio, second by Committee Member Kolstad to approve item 5.A.**

**Ayes – 9** (Liccardo, Oliverio, Matthews, Esteves, Chen, Marsalli, Kolstad, Sykes, Leonardis)

**Nays – 0**

David Wall spoke on this item

6. **OTHER BUSINESS/CORRESPONDENCE**

A. Election of the Chair

**Nominations:**

1. **Committee Member Jamie Matthews (nominated by Committee Member Leonardis)**

**Ayes-5 Nays-4**

**(Esteves, Leonardis, Chen, Kolstad, Marsalli)**

2. **Committee Member Sam Liccardo (nominated by Committee Member Sykes)**

**Ayes-4 Nays-5**

**(M. Matthews, Oliverio, Sykes, Liccardo)**

**Committee Member Jamie Matthews will serve as Chair of the Committee until the next election to be held in August 2015.**

**Vice Chair Nominations:**

1. **Committee Member Sam Liccardo (nominated by Committee Member Oliverio)**

**Ayes-9 Nays-0**

**( Esteves, Leonardis, Chen, Kolstad, Marsalli, M. Matthews, Oliverio, Sykes, Liccardo)**

**Committee Member Sam Liccardo will serve as Vice Chair of the Committee until the next election to be held in August 2015.**

7. **STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC**

- A. Memorandum of Understanding between the City of San José and McCarthy to Amend CC&Rs for the McCarthy Property Adjacent to the San José – Santa Clara Regional Wastewater Facility

Staff Recommendation: Approval of a Memorandum of Understanding between the City of San Jose and Joseph A. McCarthy and Muriel M. Harris as successor Trustees of the RLM Trust and MGM Trust (“McCarthys”) to negotiate an amendment to two Declaration of Covenants, Conditions, Restrictions & Agreements (“CC&Rs”) by and among McCarthys, City of San Jose, and Browning-Ferris Industries of California, Inc. and International Disposal Corp. of California, Inc., dated April 17, 1998 and recorded on April 28, 1998 and July 28, 2000, respectively,

to provide McCarthys a process for early termination of the CC&Rs following completion of specific conditions.

**The proposed Memorandum of Understanding to Amend the CC&Rs was heard by Council on December 16, 2014 and the following was adopted:**

- 1. Execute a Memorandum of Understanding between the City of San José and McCarthy Ranch Limited Partnership, successor in interest to Joseph A. McCarthy and Muriel M. Harris as successor Trustees of the RLM Trust and MGM Trust (“McCarthy’s), to negotiate an amendment to two Declaration of Covenants, Conditions & Restrictions Agreements (“CC&Rs”) by an among McCarthys, City of San José, and Browning-Ferris Industries of California, Inc. and International Disposal Corp. of California, Inc., dated April 17, 1998 and recorded on April 28, 1998 and July 28, 2000, respectively, to provide McCarthys a process for early termination of the CC&Rs following completion of specific conditions; and**
- 2. Modify the Memorandum of Understanding to specify that the payment from McCarthys to the City for release of the CC&R be based on the fair market value of the property originally purchased by the City from McCarthys or \$6,500,000, whichever is higher, and to include in proposed odor implementation plan that the odor fenceline be established at the Regional Wastewater Facility property line; and**
- 3. Negotiate and Execute amendment(s) to the CC&Rs with the consent of all parties and their successors or assigns to the CC&Rs to establish a process for early termination contingent on the conditions set forth in the Memorandum of Understanding, as modified.**

**Item 7.A. was approved to note and file.**

David Wall spoke against this item

**8. REPORTS**

- A. Open Purchase Orders Greater Than \$100,000 (including Service Orders)

**The attached monthly Procurement and Contract Activity Report summarizes the purchase and contracting of goods with an estimated value between \$100,000 and \$1.08 million and of services between \$100,000 and \$270,000.**

**Item 8.A was approved to note and file.**

**9. MISCELLANEOUS**

- A. The next TPAC meeting is March 12, 2015, at 4:30 p.m. City Hall, Room 1734.

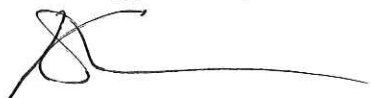
10. **PUBLIC COMMENT**

David Wall spoke about various items.

11. **ADJOURNMENT**

A. The Treatment Plant Advisory Committee adjourned at 5:23 p.m.

Minutes approved by the Treatment Plant Advisory Committee on March 12, 2015

A handwritten signature in black ink, appearing to be 'Kerrie Romanow', with a long horizontal line extending to the right.

Kerrie Romanow  
Director of Environmental Services, Secretary to TPAC