

**AMENDED MINUTES OF THE
SAN JOSÉ/SANTA CLARA
TREATMENT PLANT ADVISORY COMMITTEE**

City Hall, Council Chambers
Thursday, June 9, 2016 at 4:00 p.m.

1. ROLL CALL

Minutes of the Treatment Plant Advisory Committee convened this date at 4:01 p.m. Roll call was taken with the following members in attendance:

Committee Members: Jose Esteves, Pat Kolstad, Patrick Kwok (alternate), Steven Leonardis, Sam Liccardo, Manh Nguyen, Pierluigi Oliverio, Dave Sykes, Teresa O'Neill (alternate)

Absent: Committee Members John Gatto and Jerry Marsalli

2. APPROVAL OF MINUTES

A. May 19, 2016

Item 2.A. was approved to note and file.

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Nguyen, Oliverio, Sykes)

Nays – 0

Absent – 1 (O'Neill)

3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS

4. DIRECTORS REPORT

- A. Directors Report (verbal)
- Monthly Progress Report

There were no items to report.

5. AGREEMENTS/ACTION ITEMS

- A. Actions related to the March 24, 2016 Hearing on the Tributary Agencies' Claims of Breach of Agreements and Inequities

Staff Recommendations:

- (a) Adopt a Resolution setting forth the San José/Santa Clara Treatment Plant Advisory Committee's (TPAC) report, findings, and recommendations following the March 24, 2016, hearing before TPAC on the Claims of Breach of Agreement and Inequities filed on January 22, 2016 by West Valley Sanitation District, Burbank Sanitary District No. 2-3, and the City of Milpitas (Tributary Agencies); and
- (b) Direct the Secretary of TPAC to distribute to the legislative bodies of the Tributary Agencies, the City of San José, and the City of Santa Clara a copy of TPAC's resolution.

Senior Deputy Jennifer Pousho clarified for the record that TPAC was incorrectly referred to as the “Tributary Agency Advisory Committee” instead of the “Treatment Plant Advisory Committee” in Section 3 of the posted Resolution, which was then corrected and sent to TPAC Liaison Melrose Cacal for distribution.

On a motion made by Committee Member Oliverio and a second by Committee Member Kolstad, TPAC recommended approval of staff’s recommendations for Item 5.A.

Ayes – 6 (Kolstad, Leonardis, Liccardo, Nguyen, Oliverio, Sykes)

Nays – 2 (Esteves, Kwok)

Absent –1 (O’Neill)

B. Report on Bids and Award of Contract for 7987- Construction Enabling Project

Staff Recommendations:

- (a) Adopt a resolution approving the Construction-Enabling Improvements Project Addendum to the San José / Santa Clara Water Pollution Control Plant Master Plan Environmental Impact Report (SCH# 2011052074) and related Mitigation Monitoring and Reporting Program (File No. PP15-120).
- (b) Report on bids and award of contract for the 7987 – Construction-Enabling Improvements Project to the low bidder, Teichert Construction, Inc., for the base bid of \$3,124,885 and Add Alternate No. 2 in the amount of \$11,025 for a total amount of \$3,135,910 and approval of a 10 percent construction contingency in the amount of \$314,000.
- (c) Adopt a resolution authorizing the Director of Public Works to execute one or more change orders in excess of \$100,000 for the duration of the Construction Enabling Improvements project, not to exceed the total contingency amount approved for the project.
- (d) Adopt the following 2015-2016 Appropriations Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund:
 - (1) Decrease the Urgent and Unscheduled Treatment Plant Rehabilitation appropriation to the Environmental Services Department by \$455,000; and
 - (2) Increase the Construction-Enabling Improvements appropriation to the Environmental Services Department by \$455,000.

Program Manager Colin Page presented on this item.

Committee Member Kwok inquired if the first and second lowest bidders were located within the Santa Clara County, and what the difference in bids were. Assistant Director Ashwini Kantak clarified that the low bidder, Teichert Construction, is located in Pleasanton and Granite Construction is a local company. The difference in the bids was approximately \$100,000.

This item is scheduled for consideration by the City Council on June 14, 2016.

On a motion made by Committee Member Oliverio and a second by Committee Member Sykes, TPAC recommended approval of staff's recommendations for Item 5.B.

Ayes – 8 (Kolstad, Kwok, Leonardis, Liccardo, Nguyen, Oliverio, O'Neill, Sykes)

Nays – 1 (Esteves)

Absent – 0

- C. Master Consultant Agreements with Brown & Caldwell for Engineering Services for 8001- Aeration Tanks Rehabilitation Project in the San Jose- Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendation: Approve a Master Consultant Agreement with Brown and Caldwell to provide engineering services for the 8073 – Blower Improvements Project and 8001 – Aeration Tanks Rehabilitation Project at the San José- Santa Clara Regional Wastewater Facility from the date of execution through December 21, 2024, in an initial amount not to exceed \$7,900,000, subject to the appropriation of funds.

This item is scheduled for consideration by the City Council on June 14, 2016.

On a motion made by Committee Member Kolstad and a second by Committee Member Leonardis, TPAC recommended approval of staff's recommendation for Item 5.C.

Ayes – 6 (Kolstad, Leonardis, Liccardo, Nguyen, O'Neill, Sykes)

Nays – 2 (Esteves, Kwok)

Absent – 1 (Oliverio)

- D. Amendments to the Master Consultant Agreements with CDM Smith and Kennedy/ Jenks for Engineering Services for Projects in the San Jose- Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendations:

- (a) Approve an amended and restated master consultant agreement with CDM Smith, Inc. for engineering and construction management services for the 7701- Headworks Project, with no extension to the term or increase to the maximum total compensation.
- (b) Approve an amended and restated master consultant agreement with Kennedy/Jenks Consultants, Inc. for engineering services for the 7448 – Filter Rehabilitation Project, with no extension to the term or increase to the maximum total compensation.

On a motion made by Committee Member Esteves and a second by Committee Member Leonardis, TPAC recommended approval of staff's recommendations for Item 5.D.

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Oliverio, O’Neill, Sykes)
Nayes – 0
Absent – 1 (Oliverio)

- E. Master Agreements with Kennedy/Jenks Consultants, Inc. and MNS Engineers, Inc. for Construction Management and Inspection Services for the San Jose- Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendation: Approve a master consultant agreements with Kennedy/Jenks Consultants, Inc. and MNS Engineers, Inc., for construction management services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, from the date of execution through June 30, 2024, in a total amount not to exceed \$8,000,000 for each agreement, subject to the appropriation of funds.

This item is scheduled for consideration by the City Council on June 14, 2016.

On a motion made by Committee Member O’Neill and a second by Committee Member Leonardis, TPAC recommended approval of staff’s recommendation For Item 5.E.

Ayes – 7 (Kolstad, Kwok, Leonardis, Liccardo, Nguyen, O’Neill, Sykes)
Nayes – 1 (Esteves)
Absent – 1 (Oliverio)

- F. Master Consultant Agreements with Hazen and Sawyer and Value Management Strategies, Inc. for 8095- Value Engineering and Peer Review Services for the San Jose- Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendation: Approve the master consultant agreements with Hazen and Sawyer, and Value Management Strategies, Inc. to provide engineering and peer services for the Capital Improvement Program at the San José- Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2021, in a total amount not to exceed \$5,000,000 for each agreement, subject to the appropriation of funds.

This item is scheduled for consideration by the City Council on June 14, 2016.

On a motion made by Committee Member Kolstad and a second by Committee Member Leonardis, TPAC recommended approval of staff’s recommendation for Item 5.F.

Ayes – 7 (Kolstad, Kwok, Leonardis, Liccardo, Nguyen, O’Neill, Sykes)
Nayes – 1 (Esteves)
Absent – 1 (Oliverio)

G. Execute an Open Purchase Order with Tucker Construction, Inc.

Staff Recommendation: Authorize the City Manager to:

- (1) Execute a Purchase Order with Tucker Construction, Inc. (San Jose, CA) to provide all labor, material, and equipment to perform expansion joint and concrete maintenance and repair services at the Regional Wastewater Facility for the term June 22, 2016 through June 21, 2017, in an amount not-to-exceed \$300,000.
- (2) Approve a contingency of \$50,000 in the event that additional repairs are required.
- (3) Exercise up to four, one-year options to extend the term through June 30, 2021, with any price increases subject to approval by the City and subject to the annual appropriation of funds.

This item is scheduled for consideration by the City Council on June 21, 2016.

On a motion made by Committee Member Leonardis and a second by Committee Member Kolstad, TPAC recommended approval of staff's recommendations for Item 5.G.

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Nguyen, O'Neill, Sykes)

Nayes – 0

Absent – 1 (Oliverio)

6. **OTHER BUSINESS/CORRESPONDENCE**

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

A. Approval of an Ordinance Designating Additional Public Right-of-Way for Zanker Road

Staff Recommendations:

- (1) Consider the Addendum to the Plant Master Plan EIR; and
- (2) Approve an ordinance designating approximately 27,000 square feet along the west side of Zanker Road, located over a portion of the San José/Santa Clara Regional Wastewater Facility, as public right-of-way and accept the newly-Dedicated right-of-way into the City's street system as part of Zanker Road to allow for construction-related traffic improvements on Zanker Road.

The proposed recommendations were approved by the Santa Clara City Council on May 24, 2016 and is scheduled for considered by the San José City Council on June 7, 2016.

B. 7995 – Master Consultant Agreements with Brown and Caldwell, AECOM Technical Services, Inc., and Black & Veatch Corporation, for General Engineering Services for the San Jose- Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendation: Approve Master Consultant Agreements with Brown and Caldwell, AECOM Technical Services, Inc., and Black and Veatch Corporation to Provide general engineering services at the San Jose- Santa Clara Regional Wastewater Facility from the date of execution to June 30, 2021, in a total amount Not to exceed \$5,000,000 each, subject to the appropriation of funds.

The proposed recommendation was approved by the City Council on May 24, 2016.

C. Report on Bids and Award of Construction Contract for 7382- Digester and Thickeners Facilities Upgrade Project at the San Jose- Santa Clara Regional Wastewater Facility

Staff Recommendations:

(a) Adopt a Resolution

- (1) Approving the Digester and Thickener Facilities Upgrade Project Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (File No. PP15-055).
- (2) Reporting on bids and award of construction contract for the 7382- Digester and Thickener Facilities Upgrade project to the low bidder, Walsh Construction Company II, LLC, to include the base bid less Revocable Item No. 5, in the amount of \$107,925,000, and approve a 12.5 percent construction contingency in the amount of \$13,490,625.
- (3) Authorizing the Director of Public Works to execute one or more change orders in excess of \$100,000 for the duration of the Digester and Thickener Facilities Upgrade project, not to exceed the total contingency amount approved for the project.

(b) Adopt the following 2015-2016 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 by \$6,000,000;
- (2) Decrease the SBWR System Reliability and Infrastructure Replacement appropriation to the Environmental Services Department by \$4,692,000;
- (3) Decrease the Tunnel Rehabilitation appropriation to the Environmental Services Department by \$600,000;
- (4) Decrease the Ending Fund Balance – Unrestricted appropriation by \$17,253,000; and
- (5) Increase the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$28,545,000.

The proposed resolutions were adopted by the City Council on May 24, 2016.

D. Report on Bids and Award of Contract for 6970 – Fiber Optic Connection Project at the San Jose- Santa Clara Regional Wastewater Facility

Staff Recommendation: Report on bids and award a construction contract for the 6970 – Fiber Optic Connection Project to the second low bidder, Aegis ITS, Inc., in the amount of \$271,692 and approval of a 15 percent contingency in the amount of \$40,754.

This item is scheduled for consideration by the City Council on May 24, 2016.

E. Agreement with Santa Clara Valley Habitat Agency to Manage Burrowing Owl Habitat

Staff Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an Agreement between the City of San Jose and the Santa Clara Valley Habitat Agency to manage the 201- acre burrowing owl habitat at the Regional Wastewater Facility for a term of five years.

This item is scheduled for consideration by the City Council on May 24, 2016.

F. Execute a Purchase Order with Pipe and Plant Solutions, Inc.

Staff Recommendations: Adopt a resolution authorizing the City Manager to:

- (1) Execute a Purchase Order with Pipe and Plant Solutions, Inc. (Berkeley, CA) to provide all labor and material to clean three anaerobic digesters at the Regional Wastewater Facility for the term June 7, 2016 through June 6, 2017, in an amount not to exceed \$339,067;
- (2) Approve a contingency of \$50,000 in the event that unanticipated issues are identified during the performance of the work; and
- (3) Exercise up to three additional one-year options to extend the term of the cleaning services for nine additional digesters that are scheduled for cleaning on a rotational basis through June 6, 2020, subject to the appropriation of funds.

The item is scheduled for consideration by the City Council on June 7, 2016.

G. Amendment to Master Service Agreement with Hydrosience Engineers, Inc.

Staff Recommendation: Approve the First Amendment to the Master Agreement with Hydrosience Engineers, Inc. for engineering services to allow for future adjustments to rates and charges, and to increase the rates for Hydrosience Engineers, Inc. and subconsultants.

The proposed recommendation was approved by the City Council on May 24, 2016.

H. San Jose/Santa Clara Water Pollution Control Plant 2017-2021 Proposed Capital Improvement Program

Staff Recommendation: TPAC approval of the San Jose/Santa Clara Water Pollution Control Plant 2017-2021 Proposed Capital Improvement Program.

The Five-Year Capital Improvement Program is scheduled for Council consideration on June 14, 2016, and for adoption on June 21, 2016.

I. San Jose/Santa Clara Water Pollution Control Plant 2016-2017 Proposed Operating and Maintenance Budget

Staff Recommendation: TPAC approval of the San Jose/Santa Clara Water Pollution Control Plant 2016-2017 Proposed Operating and Maintenance Budget.

The Operating and Maintenance Budget is scheduled for Council consideration on June 14, 2016, and for adoption on June 21, 2016.

All items under Section 7 were approved to note and file.

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Nguyen, O'Neill, Sykes)

Nayes – 0

Absent – 1 (Oliverio)

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 of services between \$100,000 and \$270,000.

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

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Nguyen, O'Neill, Sykes)

Nayes – 0

Absent – 1 (Oliverio)

9. **MISCELLANEOUS**

- A. The monthly TPAC Meeting is August 11, 2016, at 4:00 p.m., City Hall, Room 1734. **Please note new start time.**

10. **OPEN FORUM**

11. ADJOURNMENT

A. The Treatment Plant Advisory Committee adjourned at 4:22 p.m.



Sam Liccardo, Chair
TREATMENT PLANT ADVISORY COMMITTEE