

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

San José City Hall, Virtual  
Thursday, May 28, 2020 at 4:12 p.m.

1. **ROLL CALL**

Minutes of the Treatment Plant Advisory Committee convened this date at 4:12 p.m. Chair and Vice Chair were not present. TPAC Counsel, Senior Deputy City Attorney, Jennifer Pousho asked Committee Member Dev Davis to chair the meeting. Committee Member Dev Davis called the meeting to order and asked for Roll Call. Roll call was taken with the following members in attendance:

**Committee Members:** Dev Davis, Lan Diep, John Gatto, Carmen Montano, Paul Resnikoff, Dave Sykes, Kathy Watanabe, Debi Davis (4:14 p.m.), Sam Liccardo (4:20 p.m.)

2. **APPROVAL OF MINUTES**

A. May 7, 2020

**On a motion made by Committee Member Montano and a second by Committee Member Watanabe, TPAC recommended approval of the minutes.**

**Ayes – 7 (Dev Davis, Diep, Gatto, Montano, Resnikoff, Sykes, Watanabe)  
Absent– 1 (Debi Davis, Liccardo)**

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

4. **DIRECTOR'S REPORT**

A. Director's Report (verbal)

There were no items to report. ESD Director Romanow stated the CIP Monthly Progress Report for March was in the Agenda packet.

5. **AGREEMENTS/ACTION ITEMS**

A. Report on Bids and Award of Construction Contract for 8868 – Advanced Facility Control and Meter Replacement – Phase 2 Project at the San José–Santa Clara Regional Wastewater Facility

Staff Recommendation:

Report on bids and award a construction contract for the 8868 – Advanced Facility Control and Meter Replacement – Phase 2 Project to the low bidder, Kiewit Infrastructure West Co., in the amount of \$7,046,100, including Add Alternate Items No. 1 through 5, and approve a 20 percent contingency in the amount of \$1,409,220.

**This item is scheduled to be heard by City Council on June 2, 2020.**

Simon Alder, Project Manager with Stantec, presented on this item. Mr. Alder and Deputy Director Mariana Chavez-Vazquez responded to questions from Committee Member Gatto and Chair Liccardo regarding project delivery costs and Committee Member Montano regarding equipment warranties.

**On a motion made by Committee Member Debi Davis and a second by Committee Member Watanabe, TPAC recommended approval of item 5. A.**

**Ayes – 8** (Debi Davis, Dev Davis, Diep, Liccardo, Montano, Resnikoff, Sykes, Watanabe)

**Nays – 1** (Gatto)

B. Amendment to Legal Services Agreement with Hawkins, Delafield & Wood LLP for Regional Wastewater Facility Capital Program

Staff Recommendation:

Approve a Fourth Amendment to the Legal Services Agreement with Hawkins, Delafield & Wood LLP, to extend the term of this agreement from June 30, 2020 through June 30, 2024, at no additional cost to the City, to support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

**This item is scheduled to be heard by the City Council on June 2, 2020.**

There was no presentation on this item. Senior Deputy City Attorney Jennifer Pousho was available for questions.

**On a motion made by Committee Member Montano and a second by Committee Member Dev Davis, TPAC recommended approval of item 5. B.**

**Ayes – 9** (Debi Davis, Dev Davis, Diep, Gatto, Liccardo, Montano, Resnikoff, Sykes, Watanabe)

**Nays – 0**

C. Proposed 2020-2021 O&M Budget

Staff Recommendation: TPAC approval of the San José-Santa Clara Regional Wastewater Facility Proposed 2020-2021 Operating & Maintenance Budget.

**The San José-Santa Clara Regional Wastewater Facility Proposed 2020-2021 Operating & Maintenance Budget is scheduled for Council consideration on June 16, 2020, and adoption on June 23, 2020.**

D. Proposed 2021-2025 CIP

Staff Recommendation: TPAC approval of the San José-Santa Clara Regional Wastewater Facility Proposed Five-Year 2021-2025 Capital Improvement Program.

**The San José-Santa Clara Regional Wastewater Facility Proposed Five-Year 2021-2025 Capital Improvement Program is scheduled for Council consideration on June 16, 2020, and adoption on June 23, 2020.**

ESD Assistant Director Napp Fukuda requested that Items 5. C. and 5.D. be considered together. Amit Mutsuddy, Deputy Director, Operations and Maintenance, presented on Item 5. C. Mariana Chavez-Vazquez, Deputy Director, CIP presented on Item 5. D. Following the presentation, Committee Members Gatto, Montano and Chair Liccardo had questions regarding the validity of the Legacy Lagoons Phase II project being included in the 2020-2021 O&M Budget. CM Gatto and Montano also expressed concerns regarding funding the project within such a short time frame. Assistant Director Fukuda explained that to meet the Water Board's remediation order due date the contract for the multi-year project in its entirety needs to be awarded in fiscal year 2020-2021 and funds must be in hand when the contract is awarded. PW Deputy Director Mike O'Connell reiterated that the conservative timeline was prudent to ensure timely completion of the project. Director Romanow told the committee that in continuing negotiations with the State, the Water District and the Army Corps of Engineers extending the Phase II deadline is at the top of the list of items under discussion.

**On a motion made by Committee Member Dev Davis and a second by Chair Liccardo, TPAC recommended approval of items 5. C. and 5. D.**

Ayes – 6 (Debi Davis, Dev Davis, Diep, Liccardo, Sykes, Watanabe)

Nays – 3 (Gatto, Montano, Resnikoff)

6. OTHER BUSINESS/CORRESPONDENCE

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

- A. Second Amendment to the Master Consultant Agreement with Cornerstone Earth Group for Environmental Support Services.

Staff Recommendation:

Approve the Second Amendment to the Master Consultant Agreement with Cornerstone Earth Group, Inc. (Master Agreement) for environmental consulting services, increasing the amount of compensation by \$500,000, for a total agreement not to exceed \$1,500,000.

**This item was approved by City Council on May 12, 2020.**

- B. Report on Bids and Award of Contract for 9115 – Administration Building Roof Replacement Project at the San José – Santa Clara Regional Wastewater Facility

Staff Recommendation:

- a) Report on bids and award of a construction contract for 9115-Administration Building Roof Replacement Project to the low bidder, Stronger Building Services, in the amount of \$590,000, and
- b) Approve a 20 percent construction contingency in the amount of \$118,000.

**This item was approved by City Council on May 19, 2020.**

- C. Report on Bids and Award of Construction Contract for 9394 – Legacy Lagoons Cleanup Phase 1 Project at the San José–Santa Clara Regional Wastewater Facility Project

Staff Recommendation:

- (a) Adopt a resolution adopting an Addendum to the Environmental Impact Report for the San José – Santa Clara Water Pollution Control Plant Master Plan Project in accordance with the California Environmental Quality Act (CEQA), as amended, and adopting a related Mitigation Monitoring and Reporting Program.
- (b) Report on bids and award of contract for the 9394 – Legacy Lagoons Cleanup Phase 1 Project to the low bidder, Pipe and Plant Solutions, Inc. in the amount of \$4,901,796, and approval of a 15 percent contingency in the amount of \$732,270.

- (c) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the San José – Santa Clara Treatment Plant Capital Fund:
1. Decrease the Support Building Improvements appropriation to the Environmental Services Department by \$8,037,066; and
  2. Establish the Legacy Lagoons Biosolids Remediation appropriation to the Environmental Services Department in the amount of \$8,037,066.

**This item was approved by the City Council on May 12, 2020.**

**8. REPORTS**

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

Monthly Procurement and Contract Activity Reports summarizes the purchase and contracting between \$100,000 and \$1.3 Million for Goods and \$100,000 and \$320,000 for Services.

Chair Liccardo noted there were no comments or questions on items in Section 7. or Section 8. from Committee Members or the public.

**9. MISCELLANEOUS**

- A. The next TPAC Meeting is on **August 13, 2020, at 4:00 p.m.**, Virtual Meeting.

**10. OPEN FORUM**

Chair Liccardo noted there were no questions or comments from Committee Members or the public.

**11. ADJOURNMENT**

- A. The Treatment Plant Advisory Committee was adjourned at 5:13 p.m.



Sam Liccardo, Chair  
TREATMENT PLANT ADVISORY COMMITTEE