

**MINUTES OF THE  
SAN JOSÉ/SANTA CLARA  
TREATMENT PLANT ADVISORY COMMITTEE**  
San José City Hall, Virtual  
Thursday, December 10, 2020 at 4:03 p.m.

**1. ROLL CALL**

Minutes of the Treatment Plant Advisory Committee convened this date at 4:03 p.m. Chair Liccardo was not present, Vice Chair Watanabe was present on video but unable to get her audio to work. ESD Director Kerrie Romanow asked TPAC counsel, Jennifer Pousho, if Roll Call could commence. Roll call was taken with the following members in attendance:

**Committee Members:** Dev Davis, Lan Diep, John Gatto, Lisa Gillmor, Paul Resnikoff, Dave Sykes, Kathy Watanabe (4:05 p.m.), Sam Liccardo (4:05 p.m.), Carmen Montano (4:05 p.m.)

**2. APPROVAL OF MINUTES**

A. November 12, 2020

Director Kerrie Romanow informed the committee that approval of the Draft minutes needed to be deferred until the next TPAC meeting pending corrections to items in Section 7.

**Action: On a motion made by Committee Member Gatto and a second by Committee Member Davis, TPAC recommended item 2. A. be deferred until the January TPAC meeting.**

**Ayes - 9** (Davis, Diep, Gatto, Gillmor, Liccardo, Montano, Resnikoff, Sykes, Watanabe)  
**Nays - 0**

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

**4. DIRECTOR'S REPORT**

A. Director's Report (verbal)  
CIP Monthly Report  
October  
Update on Plant Master Plan Recreational Land Uses

## Informational Memo

Director Romanow announced a new format for the CIP Monthly Reports. ESD Assistant Director, Napp Fukuda presented. Director Romanow and Assistant Director Fukuda responded to questions from Committee members Gatto, Montano and Chair Liccardo. Director Romanow reported that the Legacy Lagoons Phase I project was completed and referred the committee to an Information Memo on the Update on Plant Master Plan Recreational Land Uses that staff provided in response to Committee Member Watanabe's request. Director Romanow reported that there was one tributary agency that had not submitted their capacity (use) data that is needed for the annual plant capacity report to be completed in December.

### 5. AGREEMENTS/ACTION ITEMS

A. Cooperation with South San Francisco Bay Shoreline Project, Cost Share Agreement with Valley Water, Declaration of Surplus, Transfer of Legacy Lagoons 16 – 19, and Transfer of Shoreline Project Easements

Staff Recommendation:

- (1) Adopt a resolution authorizing the City Manager, or his designee, to:
  - a. Negotiate and execute a funding agreement with the Santa Clara Valley Water District ("Valley Water"), a Special District created by the Legislature of the State of California, for the Regional Wastewater Facility's ("RWF") payment of project betterment costs for the South San Francisco Bay Shoreline Project ("Shoreline Project"), in the amount of \$2,000,000, or half of total project betterment costs, whichever is less, subject to the appropriation of funds; and
  - b. Declare the Legacy Lagoons 16-19 property (portion of APN 015-31-051) as "exempt surplus land" to the needs of the City pursuant to Cal. Gov. Code §54221(f)(1)(D); and
  - c. Negotiate and execute an agreement for the transfer of the "exempt surplus land" of the Legacy Lagoons 16-19 property to Valley Water (portion of APN 015-31-051) in accordance with Cal Gov. §54221(f)(1)(D) and San Jose Municipal Code §4.20.080; and
  - d. Negotiate and execute an agreement for the transfer of project easements to Valley Water for Shoreline Project access, construction staging, and levee protection on RWF lands in exchange for compensation to be established by an appraisal completed by Carneghi, Nakasako, and Associates; and
  - e. Negotiate and execute all other necessary documents to effectuate the transfer of the Legacy Lagoon 16-19 property and related project easements.

Nanci Klein, Director of the Office of Economic Development, made a presentation on Item 5. A. and at the conclusion advised that just prior to the meeting she had received

communication from Valley Water that they and USACE were pausing the project to reassess the budget for the overall Shoreline Project. Staff including ESD Director Romanow, ESD Assistant Director Fukuda, Kevin Ice, Assistant to the City Manager-Real Estate and Senior Deputy City Attorney Jennifer Pousho responded to questions from Committee Members Sykes, Liccardo, Gatto, Watanabe, Gillmor and Montano. In response to the Committee's discussion, OED Director Nanci Klein agreed that the item would not be considered by Council on December 15 as scheduled and requested direction from TPAC on the item.

In response to the Committee discussion regarding whether the Tributary Agencies have a fee interest in RWF lands, Senior Deputy City Attorney Jennifer Pousho stated that the City Attorney's Office would provide the Committee with an information memorandum analyzing the issue.

Chair Liccardo, recognized a member of the public who wished to speak. Dean Stanford spoke about trails, his park proposal and urged the committee to save the 3-mile levee trail around Pond A-18.

Chair Liccardo asked for a motion on item 5. A.

Committee Member Gatto made a motion for item 5. A. to be deferred.

**Action: On a motion made by Committee Member Gatto and a second by Committee Member Montano, TPAC recommended that item 5. A. be deferred.**

**Ayes – 9** (Davis, Diep, Gatto, Gillmor, Liccardo, Montano, Resnikoff, Sykes, Watanabe)  
**Nays – 0**

**6. OTHER BUSINESS/CORRESPONDENCE**

There were no items in this section.

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

- A. 9443 – Master Consultant Agreements with Project Controls Joint Venture LLC and PMA Consultants LLC for Construction Management Controls Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendation:

Approve Master Consultant Agreements with Project Controls Joint Venture LLC and PMA Consultants LLC for construction management controls services for

various capital improvement projects at the San José- Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2026 in amounts not to exceed \$6,000,000 each, subject to the appropriation of funds.

**This item was approved by City Council on November 17, 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

**9. MISCELLANEOUS**

- A. The next TPAC Meeting is on **January 14, 2021 at 4:00 p.m.**, Virtual Meeting.

**10. OPEN FORUM**

Chair Liccardo recognized a member of the public who wished to speak. Dean Stanford spoke in support of levee trails, parks and recreational uses of available land addressed in the PMP and urged collaboration with interested parties and consideration of park plans he had previously submitted to the committee.

**11. ADJOURNMENT**

The Treatment Plant Advisory Committee was adjourned at 5:22 p.m.



Sam Liccardo, Chair  
TREATMENT PLANT ADVISORY COMMITTEE