

SAN JOSÉ/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE

SAM LICCARDO, CHAIR
KATHY WATANABE, VICE CHAIR
DEV DAVIS, MEMBER
DAVID SYKES, MEMBER
DAVID COHEN, MEMBER

CARMEN MONTANO, MEMBER
KAREN HARDY, ALTERNATE
PAUL RESNIKOFF, MEMBER
JOHN GATTO, MEMBER

REGULAR MEETING AGENDA/TPAC

4:00 p.m.

January 14, 2021

Virtual

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the Treatment Plant Advisory Committee (TPAC) meeting will not be physically open to the public and Committee Members and staff will be teleconferencing from remote locations.

How to join the virtual TPAC Meeting:

By phone **(888) 475-4499 or (877) 853-5257** Meeting ID: **915 0854 1897**

By online <https://sanjoseca.zoom.us/j/91508541897>

How to submit written Public Comment before the TPAC Meeting:

By email to ESDcouncilmemos@sanjoseca.gov by 12:00 p.m. the day of the meeting. Those emails will be considered as if they were part of the meeting. Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the TPAC Meeting:

Email during the meeting to ESDcouncilmemos@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide Spoken Public Comment during the TPAC Meeting:

By phone **(888) 475-4499 or (877) 853 5257** Meeting ID: **915 0854 1897** Click ***9** to raise a hand to speak.

By online <https://sanjoseca.zoom.us/j/91508541897>

- a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
- b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
- c. When the Chair calls for the item on which you wish to speak, click on "Raise Hand." Speakers will be notified shortly before they are called to speak.
- d. When called, please limit your remarks to the time limit allotted.

1. **ROLL CALL**

2. **APPROVAL OF MINUTES**

- A. November 12, 2020
[Draft Minutes](#)
- B. December 10, 2020
[Draft Minutes](#)

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

4. **DIRECTOR'S REPORT**

- A. Director's Report (verbal)
CIP Monthly Reports
[November](#)

5. **AGREEMENTS/ACTION ITEMS**

- A. **Second Amendment to Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for Engineering Services on the 7448 – Filter Rehabilitation Project at the San Jose-Santa Clara Regional Wastewater Facility**

Staff Recommendation:

Approve a Second Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for design and engineering services for the Filter Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility, extending the term of agreement from June 30, 2023 to June 30, 2025 and increasing the maximum total compensation from \$4,950,000 to an amount not to exceed \$7,500,000, subject to the appropriation of funds.

5. A. Memorandum

This item is scheduled to be heard by City Council on January 26, 2021.

- B. **Construction Contingency Increase for the 7418 – Cogeneration Facility Project at the San Jose – Santa Clara Regional Wastewater Facility and Appropriation Amendments**

Staff Recommendation:

- a) Approve a \$1,900,000 increase to the owner-controlled construction contingency for the 7418 – Cogeneration Facility Project (“Project”) for a revised contingency in an amount not to exceed \$10,188,000.
- b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute amendments to the Design-Build Contract (Contract) to include additional work and services required to complete the Project or requested by the City, pay for costs resulting from the COVID-19 pandemic and increase the Guaranteed Maximum Price (GMP) from \$91,172,000 to \$93,072,000.
- c) Adopt the following 2020-2021 Appropriation Ordinance Amendments in the San Jose-Santa Clara Treatment Plant Capital Fund:
 - (1) Decrease the Nitrification Clarifier Rehabilitation appropriation to the Environmental Services Department by \$1,900,000; and
 - (2) Increase the Energy Generation Improvements appropriation to the Environmental Services Department by \$1,900,000.

5. B. Memorandum

This item is scheduled to be heard by City Council on January 26, 2021.

C. Legacy Lagoons Remediation Budget Action

Staff Recommendation:

Accept the following budget actions for the Legacy Lagoons Remediation Phase 2 project at the San José-Santa Clara Regional Wastewater Facility (RWF):

- 1. Adopt the following 2020-2021 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:
 - a. Decrease the Transfer to the San Jose – Santa Clara Treatment Plant Operating Fund by \$23,241,040; and
 - b. Increase the unrestricted Ending Fund Balance in the amount of \$23,241,040.
- 2. Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the San Jose – Santa Clara Treatment Plant Operating Fund:
 - a. Decrease the Legacy Lagoons Remediation appropriation by \$36,800,000;
 - b. Decrease the estimate for revenue from Transfers and Reimbursements by \$23,241,040; and
 - c. Decrease the estimate for Revenue from Local Agencies by \$13,558,960.

5. C. Memorandum

This item is scheduled to be heard by City Council on February 9, 2021.

6. OTHER BUSINESS/CORRESPONDENCE

- A. Annual Plant Capacity Report
[Report](#)
- B. Informational Memorandum: Tributary Agencies Ownership Interest in RWF Lands
[Informational Memorandum](#)

7. STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC

- 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:

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; 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.

This item was deferred per Orders of the Day by City Council on December 15, 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

[Open PO Report December 2020](#)

9. **MISCELLANEOUS**

A. The next TPAC Meeting is on **February 11, at 4:00 p.m.**, Virtual.

10. **OPEN FORUM**

11. **ADJOURNMENT**

NOTE: If you have any changes or questions, please contact April Kellett, Environmental Services (408) 975-2547.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please contact April Kellett (408) 975-2547 or (408) 294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

Availability of Public Records. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San Jose City Hall, 200 East Santa Clara Street, 10th Floor, Environmental Services at the same time that the public records are distributed or made available to the legislative body.