

**MINUTES OF THE
SAN JOSÉ/SANTA CLARA
TREATMENT PLANT ADVISORY COMMITTEE**
San José City Hall, Virtual
Thursday, September 9, 2021 at 4:00 p.m.

1. ROLL CALL

Minutes of the Treatment Plant Advisory Committee convened this date at 4:03 p.m. Vice Chair Watanabe called the meeting to order. Roll call was taken with the following members in attendance:

Committee Members: David Cohen, Dev Davis, Patrick Kwok, Carmen Montano, Paul Resnikoff, Kathy Watanabe, Lee Wilcox, Sam Liccardo 4:04 p.m.

2. APPROVAL OF MINUTES

A. June 10, 2021

Action: On a motion made by Committee Member Montano and a second by Committee Member Cohen, TPAC recommended approval of item 2.A.

Ayes - 6 (Cohen, Kwok, Liccardo, Montano, Resnikoff, Watanabe)

Nays - 0

Abstain - 2 (Davis, Wilcox)

Absent - 1 (Hardy)

3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS

4. DIRECTOR'S REPORT

A. Director's Report (verbal)
CIP Quarterly Report: April – June 2021

ESD Assistant Director Napp Fukuda shared a video and reported on several projects currently underway at the RWF. He also reported that CASA had presented to RWF the Excellence in Innovation and Resiliency Award for the Headworks Project and in November the Design Build Institute of America will present their National Award of Merit for 2021 to RWF for exemplifying “Design-build Done right” for the Cogeneration Project. Staff including Deputy Director Mariana Chavez-Vazquez responded to questions from Vice Chair Watanabe and Committee Member Montano.

5. AGREEMENTS/ACTION ITEMS

A. Election of Chair

Chair Liccardo invited nominations for TPAC Chair. Committee Member Watanabe nominated Mayor Liccardo to continue as Chair of TPAC. Chair Liccardo invited questions or comments from members of the public or the committee, there were none.

Action: On a motion made by Committee Member Watanabe and a second by Committee Member Montano, TPAC recommended approval of the nomination and election of Mayor Liccardo to continue as TPAC Chair.

Ayes - 8 (Cohen, Davis, Kwok, Liccardo, Montano, Resnikoff, Watanabe, Wilcox)

Nays - 0

Absent - 1 (Hardy)

B. Election of Vice Chair

Committee member Montano nominated Committee Member Watanabe to continue as Vice Chair of TPAC. Chair Liccardo asked if there were any questions or comments from the public or the committee, there were none.

Action: On a motion made by Committee Member Montano and a second by Committee Member Davis, TPAC recommended approval of the nomination and election of Committee Member Watanabe to continue as TPAC Vice Chair.

Ayes - 8 (Cohen, Davis, Kwok, Liccardo, Montano, Resnikoff, Watanabe, Wilcox)

Nays - 0

Absent - 1 (Hardy)

C. 9855 – Master Consultant Agreements with Jacobs Engineering Group Inc, CDM Smith Inc, HDR Engineering Inc, Brown and Caldwell, and Black & Veatch Corporation for General Engineering Services for the San José – Santa Clara Regional Wastewater Facility Capital Improvement Program

Staff Recommendation:

Approve Master Consultant Agreements with Jacobs Engineering Group Inc, CDM Smith Inc, HDR Engineering Inc, Brown and Caldwell, and Black & Veatch Corporation to provide general engineering services at the San José – Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2028 in amounts not to exceed \$7,000,000 each, subject to the appropriation of funds.

This item is scheduled to be heard by City Council on September 21 14, 2021.

Assistant Director Napp Fukuda explained that this item will be heard by City Council on September 14 rather than September 21 due to agenda scheduling considerations. Chair Liccardo asked if there were any questions or comments from the public or the committee. Assistant Director Fukuda responded to a comment voiced by Committee Member Kwok regarding the importance of good contract management and oversight.

Action: On a motion made by Committee Member Cohen and a second by Committee Member Davis, TPAC recommended approval of item 5. C.

Ayes - 8 (Cohen, Davis, Kwok, Liccardo, Montano, Resnikoff, Watanabe, Wilcox)
Nays - 0
Absent - 1 (Hardy)

D. Approval of Citywide Insurance Renewals for San José-Santa Clara Regional Wastewater Facility

Staff Recommendation:

Adopt a resolution authorizing the Director of Finance to:

(a) Select and purchase City property and liability insurance policies for the period of October 1, 2021 to October 1, 2022, at a total cost not to exceed \$4,024,339 as well as an 18.0% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers:

1. Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorist Risk Insurance Act Coverage;
2. Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance;
3. Axis Surplus Insurance Company and RSUI Indemnity Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis;
4. National Union Fire Insurance Company of Pittsburgh, PA, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile);
5. Old Republic Insurance Company, for Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage;
6. Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Airport and Regional Wastewater Facility;
7. Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses;
8. QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability;
9. Hartford Life and Accident Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and
10. Berkley Insurance Company for Government Fidelity/Crime Coverage.

(b) Select and purchase Additional Liability Insurance for the period of October 22, 2021 to October 22, 2022 at cost ranging from \$150,000 to \$650,000, subject to the appropriation of funds.

This item is scheduled to be heard by City Council on September 21 14, 2021.

Assistant Director Napp Fukuda explained that this item will be heard by City Council on September 14 rather than September 21 due to agenda scheduling considerations. Chair Liccardo asked about the impact on insurance coverage needed due to delay or cancelation of pending flood control levy projects for reaches 4 and 5. Assistant Director Fukuda said staff was considering the impacts to the RWF due to recent news from the Army Corps of Engineers (USACE) and Valley Water(VW) that the award to construct reaches 1 to 3 of the Shoreline Levy Project had come in significantly overbudget, which subsequently puts the construction of reaches 4 and 5 (directly adjacent to the north of the RWF) on hold . Staff is drafting a letter to USACE and VW to get written confirmation of the status of their Project. At the same time, staff is assessing alternatives to protect the RWF, specifically focusing on the scope and budget of the CIP Flood Control Project and Final Effluent Pump Station Project. Chair Liccardo requested that an item related to the Shoreline Project be brought back to TPAC for consideration. Vice Chair Watanabe and Committee Member Montano voiced their concerns regarding river flooding and sea level rise and requested more information regarding the impacts of climate change on insurance coverage be brought back to TPAC. Chair Liccardo invited questions or comments from the public.

Dean Stanford commented on the possibility of flooding and the impacts on recreational and park use of the affected lands and the possibility of alternative funding sources and grants being available for flood control projects.

Action: On a motion made by Committee Member Watanabe and a second by Committee Member Montano, TPAC recommended approval of item 5. D.

Ayes - 8 (Cohen, Davis, Kwok, Liccardo, Montano, Resnikoff, Watanabe, Wilcox)

Nays - 0

Absent - 1 (Hardy)

E. Approve Master Service Agreements with Cornerstone Earth Group, Golder Associates, Haley & Aldrich, and Kleinfelder for On-Call Environmental Consulting Support for Various City Projects

Staff Recommendation:

Approve Master Service Agreements with Cornerstone Earth Group, Golder Associates, Haley & Aldrich, and Kleinfelder for On-Call Environmental Consulting Support for Various City Projects:

1. Cornerstone Earth Group from the date of execution through June 30,

- 2025 in an amount not to exceed \$1,000,000;
2. Golder Associates from the date of execution through June 30, 2025 in an amount not to exceed \$1,000,000;
3. Haley & Aldrich from the date of execution through June 30, 2025 in an amount not to exceed \$1,000,000; and
4. Kleinfelder from the date of execution through June 30, 2025 in an amount not to exceed \$1,000,000.

This item was approved by City Council on June 29, 2021.

Assistant Director Napp Fukuda explained that this item had already been approved by City Council on June 29, 2021 with the understanding that these master agreements would not be used for work at the RWF until TPAC's recommendation for approval was obtained. There were no questions or comments from the public or committee.

Action: On a motion by Committee Member Montano and a second by Committee Member Davis, TPAC recommended approval of item 5. E.

Ayes - 8 (Cohen, Davis, Kwok, Liccardo, Montano, Resnikoff, Watanabe, Wilcox)

Nays - 0

Absent - 1 (Hardy)

6. **OTHER BUSINESS/CORRESPONDENCE**

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

A. **Dewatered Biosolids Management Strategy for the San José–Santa Clara Regional Wastewater Facility**

Staff Recommendation:

Approve the dewatered biosolids management strategy to be implemented in stages in the next five to ten years, which includes off-site disposition service contracts, an on-site fertilizer partnership facility, and land application on local natural and working lands.

This item was approved City Council on June 8, 2021.

B. **Proposed 2021-2022 O&M Budget**

Staff Recommendation:

TPAC approval of the San José-Santa Clara Regional Wastewater Facility Proposed 2021-2022 Operating & Maintenance Budget.

The San José-Santa Clara Regional Wastewater Facility Proposed 2021-2022 Operating & Maintenance Budget is scheduled for Council consideration on June 15, 2021, and adoption on June 22, 2021.

C. Proposed 2022-2026 CIP

Staff Recommendation:

TPAC approval of the San José-Santa Clara Regional Wastewater Facility Proposed Five-Year 2022-2026 Capital Improvement Program.

The San José-Santa Clara Regional Wastewater Facility Proposed Five-Year 2022-2026 Capital Improvement Program is scheduled for Council consideration on June 15, 2021, and adoption on June 22, 2021.

D. First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for Engineering Services for the 7760 - Facility Wide Water Systems Improvements Project at the San José–Santa Clara Regional Wastewater Facility

Staff Recommendation:

Approve the First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for engineering services for the Facility Wide Water Systems Improvements project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$3,270,000, for a total agreement amount not to exceed \$5,370,000; and extending the term of agreement from June 30, 2023 to December 31, 2025.

This item was approved by City Council on June 8, 2021.

E. Master Consultant Agreement with Black & Veatch Corporation for Consulting Services at the San José–Santa Clara Regional Wastewater Facility

Staff Recommendation:

Approve the Master Consultant Agreement with Black & Veatch Corporation for various Operations and Maintenance (O&M) training and support activities at the San José-Santa Clara Regional Wastewater Facility (RWF) for a full term through June 30, 2026 for a maximum not-to-exceed aggregate compensation amount of \$3,750,000, subject to the annual appropriation of funds.

This item was approved by City Council on June 8, 2021.

F. Discharge Regulations and Future Impacts on the San José-Santa Clara

Regional Wastewater Facility

Staff Recommendation:

Accept a report on future wastewater discharge requirements and their potential impacts on the San José-Santa Clara Regional Wastewater Facility.

This item was heard and accepted by the Transportation and Environment Committee on May 3, 2021.

G. Amendment to the Agreement with Santa Clara Valley Habitat Agency to Manage the Burrowing Owl Habitat

Staff Recommendation:

Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement between the Santa Clara Valley Habitat Agency and the City of San José for Burrowing Owl Habitat Management at the San José-Santa Clara Regional Wastewater Facility to increase the term from July 1, 2016 through June 30, 2026.

This item was approved by City Council on June 22, 2021.

H. Amend Purchase Order OP59514 for Lagoon Dredge Rental Services

Staff Recommendation:

Authorize the City Manager to amend open purchase order OP 59514 with Dredge America, Inc. (Kansas City, MO) for lagoon dredge rental services to increase compensation by \$200,000, for a revised maximum compensation not-to-exceed \$520,000, and retroactively continue and extend the current purchase order term from September 18, 2020 through July 31, 2021.

As amended: 2. Execute up to two (2) additional one-year options to extend the term of the purchase order with the last option year ending on or about July 31, 2023, subject to the annual appropriation of funds.

This item was approved by City Council on June 29, 2021.

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 June - August 2021

Chair Liccardo noted the items in Section 7. and Section 8.

9. **MISCELLANEOUS**

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

10. **OPEN FORUM**

Chair Liccardo invited questions or comments from the Public. Dean Stanford spoke about parks, open space, partnerships with groups interested in park and recreational use and possible grants for such development including flood control on the lands around the RWF.

11. **ADJOURNMENT**

The Treatment Plant Advisory Committee was adjourned at 4:36 p.m.



Sam Liccardo, Chair
TREATMENT PLANT ADVISORY COMMITTEE