

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

San José City Hall, Virtual
Thursday, January 13, 2022 at 4:07 p.m.

1. ROLL CALL

Minutes of the Treatment Plant Advisory Committee convened this date at 4:07 p.m. with the arrival of Chair Liccardo who called the meeting to order. Roll call was taken with the following members in attendance:

Committee Members: David Cohen, Dev Davis, Karen Hardy, Kip Harkness, Patrick Kwok, Sam Liccardo, Carmen Montano, Rowena Turner, Kathy Watanabe

• **ADJOURNMENT**

Chair Liccardo stated that the meeting would be adjourned in memory of Cupertino Sanitary District Director John M. Gatto, a former member of TPAC, who passed away on December 27, 2021.

2. APPROVAL OF MINUTES

A. November 18, 2021

Action: On a revote requested by City Attorney Jennifer Pousho a motion was made by Committee Member Kwok and a second by Committee Member Davis, TPAC recommended approval of the Minutes:

Ayes - 7 (Cohen, Davis, Hardy, Kwok, Liccardo, Montano, Watanabe)

Nays - 0

Abstain - 2 (Harkness, Turner)

3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS

4. DIRECTOR'S REPORT

A. Director's Report (verbal)

Environmental Services Department Director Kerrie Romanow welcomed Kip Harkness, Deputy City Manager replacing Deputy City Manager Lee Wilcox on the board. Kerrie reported on the status of Shoreline Levy project, stating that the City of San José was

collaborating with Valley Water in lobbying for federal and state funding to fully fund the Shoreline Project. She also reported that discussions between the City of San José and Valley Water on the Purified Water Project Phase II on RWF lands were continuing and Valley Water was moving forward on the purified water project with Palo Alto.

Director Romanow responded to questions from Committee members Montano, Kwok, Watanabe, and Chair Liccardo. Member of the Public, Dean Stanford, spoke about the Shoreline Levy project reiterating his ongoing efforts to encourage the RWF to retain rights to the perimeter around Pond A18 for sale to California State Parks for a future Levy Trail.

City Attorney Jennifer Pousho requested a re-vote on item 2.A. Approval of the Minutes to ensure a valid vote. Chair Liccardo called for a re-vote.

5. **AGREEMENTS/ACTION ITEMS**

A. Actions Related to the Purchase Orders for Trucking and Debris and Asphalt Hauling Services

Staff Recommendation:

Adopt a resolution authorizing the City Manager to:

1. Execute purchase orders with One Stop, Inc. dba San José Transport (Gilroy, CA), 101 Trucking, Inc. (Gilroy, CA), and Alviso Rock, Inc (Alviso, CA) for trucking and debris and asphalt hauling services for an initial twelve-month period, starting on or about January 26, 2022 and ending on or about January 25, 2023, for a total cumulative compensation not-to exceed amount of \$593,000; and
2. Exercise up to four (4) additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about January 25, 2027, subject to the annual appropriation of funds

This item is scheduled to be heard at City Council on January 25, 2022.

Assistant Director Napp Fukuda stated there was no presentation on this item but staff from Finance was available for questions. There were no questions from the committee.

Chair Liccardo invited questions or comments from the public. There were none.

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

Ayes - 8 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Watanabe,)

Nays - 0

Abstain - (Turner)

B. Report on Procurement of Insurance Products for Continuation of an Owner-Controlled Insurance Program for the San Jose-Santa Clara

Regional Wastewater Facility

Staff Recommendation:

Adopt a resolution authorizing the Director of Finance to:

- (1) Purchase insurance policies for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program with total cost not to exceed \$7,221,283 including estimated insurance premiums of \$4,661,872 and a total maximum deductible \$2,559,411, as well as a cash collateral fund of \$1,496,471 with premiums to be paid in four (4) annual installments, and subject to the annual appropriation of funds, as follows:
 - (a) Federal Insurance Company: Commercial General Liability Insurance and Workers' Compensation Insurance with a Program Agreement Endorsement stipulating terms of the cash collateral fund management
 - (b) Allied World Assurance Company, Inc.: Commercial Excess Liability Insurance
 - (c) Endurance Risk Solutions Assurance Company: Commercial Excess Liability Insurance
 - (d) Liberty Surplus Insurance Corporation: Commercial Excess Liability Insurance
 - (e) Great American Assurance Company: Commercial Excess Liability Insurance
 - (f) Westchester Surplus Lines Insurance Company: Commercial Excess Liability Insurance
 - (g) Ironshore Specialty Insurance Company: Contractors Pollution Liability Insurance
 - (h) Berkley Assurance Company: Owners Protective Professional Liability Insurance; and
- (2) Either renew an existing, or secure quotes and purchase a new, Master Builder's Risk Insurance policy with special endorsement for Flood to provide builder's risk coverage through 2026 as necessary, with a projected \$906,000 in premiums, the cost of which is included in the estimated insurance premiums above.

This item is scheduled to be heard at City Council on January 25, 2022.

Assistant Director Fukuda stated there was no presentation on this item but Jennifer Cheng, Finance Department Deputy Director and Mike Davidson, OCIP insurance products broker from Alliant Insurance were available to answer questions. Mike Davidson responded to a question from Committee Member Hardy.

Chair Liccardo invited questions or comments from the public. There were none.

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

Ayes - 8 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Watanabe)

Nays - 0

Abstain - (Turner)

C. Project Labor Agreement

Recommendation:

As recommended by the Mayor and City Council, provide feedback to staff regarding the direction provided by the Mayor and City Council on December 14, 2021, as outlined in the background section of this memorandum.

Chair Liccardo asked why this item was brought to TPAC as it had already gone to Council. Public Works Director Matt Cano responded to the Chair's question, providing background on the item, and requested feedback from the committee. Director Cano responded to questions from Committee members Davis, Watanabe, and Montano. In response to the question from the Chair regarding what action was being requested of the committee, City Attorney Pousho advised that the item should be voted on. Chair Liccardo and Committee member Davis disclosed that they had voted against the PLA when it was heard at council on December 14. There was further discussion by the committee including questions and comments from Committee members Montano, Cohen, Hardy and Watanabe which were answered by Director Cano and Chair Liccardo.

Chair Liccardo invited questions or comments from the public. There were none.

Action: On a motion made by Committee Member Kwok and a second by Committee Member Montano, TPAC recommended to accept the staff report.

Ayes - 5 (Cohen, Hardy, Kwok, Montano, Watanabe)

Nays - 2 (Davis, Liccardo)

Abstain - 2 (Harkness, Turner)

6. OTHER BUSINESS/CORRESPONDENCE

A. Annual Plant Capacity

7. STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC

A. San José-Santa Clara Regional Wastewater Facility Capital Improvement Program Semiannual Status Report

Staff Recommendation:

Accept the semiannual status report on the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program for the period of January through September 2021.

This item was heard at the Transportation and Environment Committee meeting on November 1, 2021 and was included in the Committee report out to City Council on December 14, 2021.

B. Actions Related to the Purchase Orders for Radio Communication System Upgrades at the Airport and Regional Wastewater

Staff Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Amend the open purchase order with Motorola Solutions, Inc. (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority dated June 26, 2020, for radio communications system upgrade and related equipment and services for the Regional Wastewater Facility, to retroactively continue and extend the term of the purchase order from September 9, 2021 through March 30, 2023 and to increase compensation by a cumulative not-to-exceed amount of \$41,434, for a revised maximum compensation not to exceed \$1,603,375;
- (b) Execute a purchase order with Motorola Solutions, Inc. (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority dated June 26, 2020, for radio communications system upgrade and related equipment and services for the Airport in the amount not to exceed \$1,016,889 through March 30, 2023; and
- (c) Amend purchase orders as required for unanticipated changes in requirements, quantities and sales tax for a contingency amount not-to-exceed \$262,026, subject to the appropriation of funds.

This item was approved by City Council on November 16, 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

No report this month.

Chair Liccardo noted the items in Sections 6. 7. and 8. There were no questions from the committee or the public.

9. **MISCELLANEOUS**

A. The next TPAC Meeting is on **February 10, 2022 at 4:00 p.m.**, Virtual Meeting.

Chair Liccardo invited questions or concerns for the administration. Committee Member Montano requested advice regarding what could be done about the odor coming from the compost facility at Newby Island as they have received complaints about the odor, acknowledging that RWF was not the source of the odors. Director Romanow, Assistant Director Fukuda and Committee member Cohen offered resources for dealing with the issue.

Committee member Kwok thanked the committee for adjourning the meeting in honor of his fellow Cupertino Sanitary District Board member John Gatto stating he served on TPAC for ten years. Committee member Watanabe offered her condolences as well as those of former board member Debi Davis who had served on TPAC with Mr. Gatto. She mentioned Mr. Gattos dedication to TPAC. Committee member Montano offered her condolences and appreciation for Mr. Gatto as the conscience of the board.

10. **OPEN FORUM**

Chair Liccardo invited questions or comments from the Public. Member of the Public, Dean Stanford offered his condolences to the board and the family of John Gatto, noting that Mr Gatto had been a supporter of the bay trail. Next Mr. Stanford spoke about continuing efforts to save the Bay Trail and to urge TPAC to support his efforts. He referred to letters from Congressman Rho Khanna in support of the 3.5-mile levy trail and U. S. Fish and Wildlife support also acknowledging it was in City of San José jurisdiction. Mr. Stanford referred to documents he had submitted as written public comment which included letters of support for an 800-acre park that could be a collaboration between city, county and state entities and his conviction that federal and state funding were available for the Shoreline Levy project.

11. **ADJOURNMENT**

The Treatment Plant Advisory Committee was adjourned at 5:01 PM in memory of Cupertino Sanitary District Director John M. Gatto who passed away on December 27, 2021.



Sam Liccardo, Chair
TREATMENT PLANT ADVISORY COMMITTEE