

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

San José City Hall, Virtual
Thursday, August 11, 2022, at 4:00 p.m.

1. ROLL CALL

Minutes of the Treatment Plant Advisory Committee convened this date at 4:03 p.m. Chair Liccardo called the meeting to order and asked for roll call. 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

2. APPROVAL OF MINUTES

A. June 9, 2022

Action: On a motion made by Committee Member Montano and a second by Committee Member Watanabe, TPAC recommended approval of the Minutes:

Ayes - 9 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Turner, Watanabe)
Nays - 0

3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS

4. DIRECTOR'S REPORT

A. Director's Report (verbal)

Environmental Services Department Director Kerrie Romanow reported that the San José-Santa Clara Regional Wastewater Facility received an Award of Excellence from CASA (California Association of Sanitation Agencies) for the Capital Improvement Program. Director Romanow advised that she was reporting from the CASA Conference along with Committee Member Kwok and CIP Deputy Director Mariana Chavez-Vazquez. Also, she reported that the Quarterly External CIP Report was posted and included in the agenda packet.

5. AGREEMENTS/ACTION ITEMS

A. **Election of Chair**

Chair Liccardo called for nominations from the floor for TPAC Chair. Chair Liccardo nominated Council Member Cohen. Vice Mayor Montano nominated Council Member Watanabe; she accepted the nomination. Council Member Cohen deferred to Council Member Watanabe. Chair Liccardo nominated Council Member Cohen for Vice Chair; he accepted the nomination. Committee Member Kwok nominated Vice Mayor Montano for Vice Chair, which she declined; her nomination was withdrawn.

Action: On a motion made by Committee Member Montano and a second by Committee Member Cohen, TPAC elected Council Member Kathy Watanabe for Chair

Ayes - 9 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Turner, Watanabe)
Nays - 0

B. Election of Vice Chair

Chair Liccardo asked for a motion for the election of Vice Chair.

Action: On a motion made by Committee Member Davis and a second by Committee Member Harkness, TPAC elected Council Member Cohen for Vice Chair.

Ayes - 9 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Turner, Watanabe)
Nays - 0

C. Amendment to the 2022-2023 Operating and Maintenance Budget

Staff Recommendation:

Accept the following amendments to the San José-Santa Clara Regional Wastewater Facility (“RWF”) 2022-2023 Operating & Maintenance Budget adopted by San José City Council on June 21, 2022.

1. Update the estimated cost distributions for the City of San José, the City of Santa Clara, and each Tributary Agency in the 2022-2023 Operating and Maintenance Budget as shown in this memorandum.

2. In the San Jose – Santa Clara Treatment Plant Operating Fund:

(a) Increase the estimated revenue attributable to the City of Santa Clara by \$5,106,930, adjusting the budget item entitled “Contributions - Santa Clara”, from \$14,460,990 to \$19,567,920;

(b) Increase the cumulative estimated revenue attributable to the Tributary Agencies by \$7,228,896, adjusting the budget item entitled “Contributions - Other Agencies” from \$20,447,988 to \$27,676,884; and

(c) Establish the Prior Fiscal Year Agency Payment appropriation to the Environmental Services Department in the amount of \$12,335,826.

This item is scheduled to be heard by City Council on October 18, 2022.

ESD Assistant Director Napp Fukuda advised that there was no presentation on this item. He provided a brief explanation of the item and said staff was available for questions. There were no questions or comments from the Public or Committee.

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

Ayes - 9 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Turner, Watanabe)
Nays - 0

D. Construction Contingency Increase for the 7382-Digester and Thickener Facilities Upgrade Project at the San Jose-Santa Clara Regional Wastewater Facility

Staff Recommendation:

Approve a \$3,107,049 increase to the construction contingency amount of \$67,490,625 for a revised total contingency amount of \$70,597,674, to provide funding for the City's negotiated settlement of a loss of productivity claim and changes to the Project control system increasing the not-to-exceed amount from \$175,415,625 to a total revised contract amount not-to-exceed \$178,522,674 for the 7382 – Digester and Thickener Facilities Upgrade Project

This item is scheduled to be heard at City Council on August 23, 2022.

Public Works Deputy Director Mathew Nguyen made a presentation on this item. At the end of the presentation, he said staff was available for questions. Deputy Director Nguyen, Director Romanow, Assistant Director Fukuda and Deputy Director Chavez-Vazquez responded to questions and comments from Committee Members Kwok, Hardy, Watanabe, Turner and Montano. There were no questions or comments from the Public.

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

Ayes - 7 (Cohen, Davis, Hardy, Harkness, Liccardo, Montano, Watanabe)
Nays - 2 (Kwok, Turner)

E. Report on Bids and Award of Construction Contract for 8781 – Fire Life Safety Upgrades Project at the San Jose-Santa Clara Regional Wastewater Facility

Staff Recommendation:

Report on bids and award of construction contract for the 8781 – Fire Life Safety Upgrades Project Re-Bid to the lowest bidder, Blocka Construction, Inc., in the amount of \$2,839,000 and approve a 15 percent construction contingency in the amount of \$425,850.

This item is scheduled to be heard at City Council on August 23, 2022.

Stantec CIP Program Manager, Simon Alder made a presentation on this item. At the end of the presentation, staff was available for questions. There were no questions or comments from the Public or Committee.

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

Ayes - 9 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Turner, Watanabe)

Nays – 0

F. Second Amendment to the Master Consultant Agreement with BSI America Professional Services, Inc. for Safety Professional Services

Staff Recommendation:

Approve the Second Amendment to the Master Consultant Agreement with BSI America Professional Services, Inc. for safety professional services, increasing the amount of compensation by \$250,000 for a total agreement not to exceed \$540,000, and extending the term of the agreement from August 31, 2022, to February 28, 2023.

This item is scheduled to be heard at City Council on August 23, 2022.

Assistant Director Fukuda advised there was no presentation on this item. There were no questions or comments from the Public or Committee.

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

Ayes - 9 (Cohen, Davis, Hardy, Harkness, Kwok, Liccardo, Montano, Turner, Watanabe)

Nays – 0

6. OTHER BUSINESS/CORRESPONDENCE

7. STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC

A. 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 Regional Wastewater Facility Capital Projects.

This item was heard and accepted by the Transportation and Environment Committee on May 2, 2022.

B. Report on Request for Proposal for a Laboratory Information Management System

Staff Recommendation:

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Ethosoft, Inc. (Norcross, GA) for a laboratory information management system, including associated professional services such as implementation, training, support, and maintenance, for an initial one-year term beginning on or about June 15, 2022 and ending June 14, 2023, with a total maximum compensation not to exceed \$248,060, subject to the appropriation of funds;
 - (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$50,000 during the initial one-year term, subject to the appropriation of funds; and
 - (c) Exercise up to nine one-year options to extend the term of the agreement and the software license with the last option ending on or about June 14, 2032 in alignment with the software renewal term, subject to the appropriation of funds.
- (Finance)

This item was approved by City Council on June 14, 2022.

C. Amend Purchase Order for Ferrous Chloride (FeCl₂)

Staff Recommendation:

Authorize the City Manager to amend purchase order OP 60556 with Kemira Water Solutions, Inc. (Lawrence, KS) for Ferrous Chloride (FeCl₂) to increase compensation by \$670,000, for a revised maximum compensation not-to-exceed \$1,970,000 for the period ending on June 30, 2022. (Finance).

This item was approved by City Council on June 14, 2022.

D. Amendment to Purchase Orders for Fuel and Petroleum Products as Needed

Staff Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Amend open purchase order OP 60662 with Western States Oil Co (San José, CA) for fuel and petroleum products as needed to:
 - (1) Retroactively approve the seven one-year options that extended the term to July 31, 2022;
 - (2) Increase compensation by \$2,120,000 for a revised maximum compensation not-to-exceed \$7,620,000 through the seventh option term ending July 31, 2022;

- (3) Negotiate and execute a purchase order to extend services for up to two additional option terms for a total of nine options through July 31, 2024, subject to the appropriation of funds;
- (b) Amend open purchase order OP 60659 with Valley Oil Company (Mountain View, CA) for fuel and petroleum products as needed to:
 - (1) Retroactively approve the seven one-year options that extended the term to July 31, 2022;
 - (2) Negotiate and execute a purchase order to extend services for up to two additional option terms for a total of nine options through July 31, 2024, subject to the appropriation of funds; and
 - (c) Approve a contingency of \$380,000 for any unforeseen changes in the dynamic commodity market for fuel and petroleum products, subject to the appropriation of funds. (Finance)

This item was approved by City Council on June 7, 2022.

E. Report on Bids and Award of Contract for 10166 - Repairs of Water Services and Mains: 2022-2025

Staff Recommendation:

Report on bids and award of contract for the 10166 - Repairs of Water Services and Mains: 2022-2025 project to the lowest responsive bidder, San Jose Water Company in the amount of \$2,922,646.74.

This item was approved by City Council on June 14, 2022.

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.

B. Report on Activities Undertaken by the Director of Environmental Services Pursuant to Title 27 of the San Jose Municipal Code for the Period of January 1, 2022 – June 30, 2022.

9. MISCELLANEOUS

A. The next TPAC Meeting is on September 8, 2022, at 4:00 p.m., Virtual.

10. OPEN FORUM

Committee members Kwok, Montano, Watanabe, and Turner thanked Chair Liccardo for

his outstanding leadership and service as TPAC chair and congratulated staff for winning the CASA Award for Excellence. Committee Member Montano gave a heads up that the next scheduled TPAC meeting on September 8 would be occurring at the same time as the Annual meeting of the League of California Cities which she would be attending. Chair elect Watanabe stated that she would attend TPAC on September 8. Chair Liccardo stated he is also planning on attending TPAC. There were no comments or questions from the Public.

11. **ADJOURNMENT**

The Treatment Plant Advisory Committee was adjourned at 4:53 p.m.



Kathy Watanabe, Chair
TREATMENT PLANT ADVISORY COMMITTEE