

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

City Hall, Council Chambers
Thursday, February 11, 2016 at 4:30 p.m.

1. ROLL CALL

Minutes of the Treatment Plant Advisory Committee convened this date at 4:32 p.m. Roll call was taken with the following members in attendance:

Committee Members: Jose Esteves, Pat Kolstad, Patrick Kwok, Steven Leonardis, Sam Liccardo, Jerry Marsalli, Manh Nguyen, Dave Sykes

2. APPROVAL OF MINUTES

A. January 14, 2016

Item 2.A. was approved to note and file.

Ayes – 6 (Esteves, Kolstad, Leonardis, Liccardo, Nguyen, Sykes)

Nays – 0

Absent – 1 (Oliverio)

Abstain – 2 (Kwok, Marsalli)

3. UNFINISHED BUSINESS/REQUEST FOR DEFERRALS

4. DIRECTORS REPORT

A. Directors Report (verbal)
Monthly progress report

There were no items to report.

5. AGREEMENTS/ACTION ITEMS

A. Master Agreement Claim Hearing Process

Staff Recommendations:

(a) Adopt the hearing procedures

(b) Schedule a hearing date by March 25, 2016.

David Wall spoke on this item.

In response to the Master Agreement claim the City of San José received on January 26, 2016, TPAC had a discussion about scheduling a special meeting on one of the following dates and times: Thursday, March 24, 2016 from 9-11 AM in the Wing Committee Rooms; Friday, March 25, 2016 at 9-11 AM or 1 PM in the City Council Chambers. This meeting would be held at San José City Hall.

Based on the availability of and preferences of committee members, TPAC agreed to schedule the special meeting for Thursday, March 24, 2016 at a start of time of 9:30 am per Vice-Chair Liccardo.

Committee Member Esteves referenced a letter that was distributed by the Tributary Agencies at the meeting for Item 5.A. Since TPAC was not able to review the letter prior to the start of the meeting and was not scheduled as an agenda item, Vice-Chair Liccardo suggested a motion to note and file and to move the item to Open Forum for discussion.

B. Report on Bids and Award of Contract for the 6970 – Fiber Optic Connection Project at the San José-Santa Clara Regional Wastewater Facility

Staff Recommendation: Report on bids and award of a construction contract for the 6970 – Fiber Optic Connection Project to the low bidder, All Phase Excavating and Construction, Inc., in the amount of \$36,000.

This item is scheduled for consideration by the City Council on February 23, 2016.

David Wall spoke on this item.

On a motion by Committee Member Leonardis and a second by Committee Member Kolstad, TPAC recommended approval of the Staff Recommendation for Item 5.B.

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Marsalli, Nguyen, Sykes)

Nays – 0

Absent – 1 (Oliverio)

6. OTHER BUSINESS/CORRESPONDENCE

7. STATUS OF ITEMS PREVIOUSLY RECOMMENDED FOR APPROVAL BY TPAC

A. Report on Bids and Award of Contract for 6717—Iron Salt Feed Station Project at the San José- Santa Clara Regional Wastewater Facility

Staff Recommendations:

- (a) Report on bids and award of construction contract for 6717- Iron Salt Feed Station Project to the lowest bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$5,205,000 and approve a 15 percent construction contingency in the amount of \$780,750;

- (b) Adopt a resolution authorizing the Director of Public Works to execute one or more change orders in excess of \$100,000 for the remaining duration of the Project, not to exceed the total contingency amount approved for the Project;
- (c) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:
 - (1) Decrease the East Primary Rehabilitation, Seismic Retrofit, and Odor Control appropriation to the Environmental Services Department in the amount of \$1,500,000;
 - (2) Decrease the Tunnel Rehabilitation appropriation to the Environmental Services Department in the amount of \$300,000; and
 - (3) Increase the Iron Salt Feed Station appropriation to the Environmental Services Department in the amount of \$1,800,000.

The proposed recommendations were approved by Council on January 26, 2016.

B. Mid-Year Budget Review Strategy for Master Agreement Amendments

Staff Recommendation: Accept the proposed 2015-2016 Mid-Year Budget Review strategy to provide staffing and funding to support amendments to the Master Agreement for Wastewater Treatment between City of San José, City of Santa Clara, and Tributary Agencies.

This item is included in the 2015-2016 Mid-Year Budget Review Report scheduled for City Council on February 9, 2016.

David Wall spoke on this item.

All items under Section 7 were approved to note and file.

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Marsalli, Nguyen, Sykes)

Nays – 0

Absent – 1 (Oliverio)

8. **REPORTS**

A. Open Purchase Orders Greater Than \$100,000 (including Service Orders)

The attached monthly Procurement and Contract Activity Report summarizes the Purchase and contracting of goods with an estimated value between \$100,000 and \$1.08 million of services between \$100,000 and \$270,000.

David Wall spoke on this item.

Item 8.A. was approved to note and file.

Ayes – 8 (Esteves, Kolstad, Kwok, Leonardis, Liccardo, Marsalli, Nguyen, Sykes)
Nays – 0
Absent – 1 (Oliverio)

9. **MISCELLANEOUS**

A. The next TPAC meeting is March 10, 2016, at 4:30 p.m., City Hall, Room 1734.

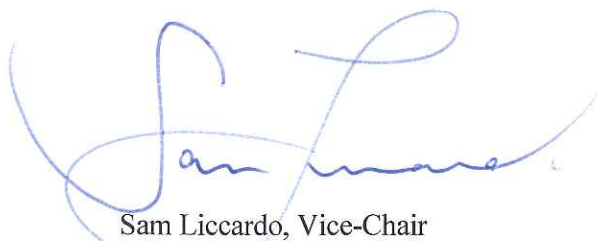
10. **OPEN FORUM**

A. The Tributary Agencies submitted a letter expressing concern that San José staff sent them a request for records. The letter and representatives present from the Tributary Agencies stated that, after the discussion at the February 8 Study Session, they were hoping for a mediated solution to resolve the issues in an expedited manner. San José Mayor Liccardo responded that the information requested in the PRA could be relevant to the issues raised by the claim filed by the Tributary Agencies, including negotiations to resolve the dispute. Since the Tributary Agencies have filed a claim against San José and Santa Clara, the owners must prepare to defend against the claim. Mayor Liccardo reiterated that if the Tributary Agencies wished to withdraw the claim, San José would be open to a course of mediation to resolve the issues. However, the owners cannot mediate to resolve the dispute while at the same time defend against a claim.

B. David Wall spoke.

11. **ADJOURNMENT**

A. The Treatment Plant Advisory Committee adjourned at 4:56 p.m.



Sam Liccardo, Vice-Chair
TREATMENT PLANT ADVISORY COMMITTEE