

SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE

KATHY WATANABE, CHAIR
DAVID COHEN, VICE CHAIR
DEV DAVIS, MEMBER
KAREN HARDY, MEMBER
KIP HARKNESS, MEMBER

PATRICK KWOK, MEMBER
SAM LICCARDO, MEMBER
CARMEN MONTANO, MEMBER
ROWENA TURNER, MEMBER

REGULAR MEETING AGENDA/TPAC

4:00 p.m.

September 8, 2022

Virtual

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Numbers 80628 and 80659 this meeting will not be physically open to the public and the Treatment Plant Advisory Committee Members 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. Click ***6** to unmute when called.

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. August 11, 2022
[Draft Minutes](#)

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

4. **DIRECTOR'S REPORT**

- A. Director's Report (verbal)

5. **AGREEMENTS/ACTION ITEMS**

- A. **Recommendation to the City Council on Insurance Renewals for San José-Santa Clara Regional Wastewater Facility**

Staff Recommendation:

Recommend the City Council authorize the Director of Finance to:

- (a) Select and purchase City property and liability insurance policies for the Regional Wastewater Facility for the period October 1, 2022 to October 1, 2023, at a total cost not to exceed \$524,899 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 Terrorism Risk Insurance Act Coverage;
 - (2) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance;
 - (3) Arch Specialty Insurance Company and The Princeton Excess and Surplus Lines Insurance Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis; and
 - (4) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Regional Wastewater Facility.

5. A. Memorandum

This item is scheduled to be heard at City Council on September 20, 2022.

6. **OTHER BUSINESS/CORRESPONDENCE**

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

- A. **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.

B. 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 was approved by City Council on August 23, 2022.

C. 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 was approved by City Council on August 23, 2022.

D. 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 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 was approved by City Council on August 23, 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.

[8. A. Open PO Report August 2022](#)

9. **MISCELLANEOUS**

A. The next TPAC Meeting is on **October 13, 2022 at 4:00 p.m.**, Virtual.

10. **OPEN FORUM**

11. **ADJOURNMENT**

The [Code of Conduct](#) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

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

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.