

**PINOLE / HERCULES  
Wastewater Subcommittee**

**Draft Minutes prepared by: Anita Tucci-Smith  
December 18, 2014  
8:30 A.M.**

The meeting was hosted by the City of Hercules in the Council Chambers of City Hall.

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**Sherry McCoy, Mayor of Hercules, serving as Chair called the meeting to order at 8:30 A.M. and led the Pledge of Allegiance.**

**2. ROLL CALL**

**Subcommittee Members Present:**

Sherry McCoy, Mayor, City of Hercules  
Dan Romero, Vice Mayor, City of Hercules  
Tim Banuelos, Councilmember, City of Pinole  
Debbie Long, Councilmember, City of Pinole

**Subcommittee Members Absent:**

None

**Staff Present:**

David Biggs, City Manager, Hercules  
Mike Roberts, Public Works Director/City Engineer, Hercules  
Belinda Espinosa, City Manager, Pinole  
Dean Allison, Public Works Director/City Engineer, Pinole  
Ron Tobey, Plant Manager, Pinole

**Member(s) of the Public:**

Anthony Gutierrez, Pinole  
James Tillman, Wastewater Advocate, Pinole

**3. APPROVAL OF MINUTES – NOVEMBER 20, 2014**

**Action: Motion by Pinole Councilmember Banuelos, seconded by Pinole Councilmember Long to approve the minutes of the November 20, 2014 meeting, as submitted, carried by the following vote:**

Ayes:	Banuelos, Long, McCoy
Noes:	None
Abstain:	Romero
Absent:	None

**4. CITIZENS TO BE HEARD – FOR ITEMS NOT ON THE AGENDA**

There was no one to speak to items not on the agenda.

**5. FISCAL AGREEMENT: Discuss Revised and Updated Draft Fiscal Agreement**

**Belinda Espinosa, City Manager, Pinole**, presented Version 12 of the Fiscal Agreement along with recent minor changes from the City of Hercules, and advised that areas where there was not complete agreement between the cities had been highlighted. She clarified that the Agreement was specific only to the upgrade project and that the overriding document remained the 2001 Agreement.

**David Biggs, City Manager, Hercules**, reported that Hercules and Pinole staff had met to address concerns expressed by both City Councils. He summarized the changes that had been requested to the Agreement.

**Anthony Gutierrez, Pinole**, referred to Section 9 (d) of the document where "Neither city shall unreasonably delay in the review of project invoices," and asked for a description of an unreasonable delay. He also verified with staff that the Agreement stipulated that it applied solely to the current expansion program.

**James Tillman, Pinole**, had a concern with the ownership references, and supported a clear and concise document to avoid the types of issues that had arisen as a result of what he suggested had been a poorly written 2001 Agreement.

**Motion by Pinole Councilmember Long who stated that while she did not agree with every element within the document she supported forwarding Version 12 of the Fiscal Agreement to the respective city councils along with the comments for review and approval. The motion was seconded by Hercules Vice Mayor Romero.**

When asked if she would amend her motion to change Section 9 (d) from neither city shall unreasonably delay in the review of project invoices to a time period of 30 days, **Pinole Councilmember Long** did not support that change and wanted the attorneys to define what was considered to be reasonable. She suggested approval of a payment might not be able to take place within 30 days and late fees could be involved. With no vote on the motion, the motion died.

On the discussion and while it was verified that 30 days was the typical turnaround for processing on both sides and there was a built in fund to accommodate payments, there was a concern when factoring in change orders.

**Action: Motion by Pinole Councilmember Long to forward Version 12 of the Fiscal Agreement to the respective city councils along with the comments from the Subcommittee and public comment as to where the Agreement could be improved. Hercules Vice Mayor Romero seconded the**

**motion, which carried by the following vote:**

**Ayes:** Banuelos, Long, McCoy, Romero  
**Noes:** None  
**Abstain:** None  
**Absent:** None

**6. PROJECT UPDATE - Receive a Project Status Update on Engineering Plans, Application with the State Revolving Loan Fund Committee, Permit Application with Bay Conservation and Development Commission (BCDC), including Discussions of Flood Walls, and Permit Application with Contra Costa County**

**Pinole Public Works Director/City Engineer Dean Allison** reported that since the last meeting he had worked with the new Public Works Director for the City of Hercules Mike Roberts; had received 90 percent plans from HDR Engineering, Inc. which had met its deadline and expected to have an updated cost estimate with those plans; and with a more precise, detailed cost estimate there could be a slightly smaller contingency of 7 or 8 percent.

**Mr. Allison** reported that the schedule had changed and the Regional Water Quality Control Board (RWQCB) deadline was June 1, 2017 to get the project on line; final plans were expected to be ready for advertising by March 17, 2015; and he expected the process with the State Revolving Loan Fund to be completed by March 2015. He added that the County permit was taking longer than expected but was expected by the next meeting. He also described the Prequalification and Project Labor Agreement (PLA) processes expected by mid-June 2015, which would govern when the plans could be advertised.

**Mr. Allison** advised that the BCDC had indicated that the application could be approved administratively without a public hearing. He presented the mitigations that BCDC expected as part of the project which would include new benches and new restrooms, and stated that BCDC had been satisfied with the plan to maintain public access to the shoreline during construction. He presented an example of a restroom facility, suggested the \$300,000 budget could come in less, and stated the staging area would not impact the parking lot.

As to the prequalification process and disclosure of whether there will or will not be a PLA, **Mr. Allison** stated the question was whether to wait for all the terms of the PLA to be known before completing the process. He expected to disclose that a PLA was anticipated. He described the standards to be included in the prequalification process to ensure the selection of a solvent contractor with experience with upgrades to treatment plants. When asked, he explained that the most critical trades would be electricians and steamfitters and safety standards would be part of the prequalification process.

**Belinda Espinosa, City Manager, Pinole**, explained that without a PLA there

could not be assurance of hiring out of the local union halls.

**Mike Roberts, Public Works Director/City Engineer, Hercules**, advised that an initial prequalification meeting had just been held and they would look at the language in the document to strengthen the qualifications of contractors.

**Jim Tillman, Pinole**, spoke to his experience being from a family of contractors, and suggested the Subcommittee could be assured that contractors would do a good job and have the best subs possible to get the job done quickly given that the contractor could be penalized if something was done wrong. He added that penalties should be included.

**Anthony Gutierrez, Pinole**, questioned that without a PLA if it would be possible to include the local ordinance for local hire as part of the prequalification process. With respect to training, he recommended an increase in the level of bonding for the prequalification process.

It was noted that the City could not mandate local hire.

## **7. ADDITIONAL COMMENTS AND REQUESTS FROM THE SUBCOMMITTEE**

**Chair McCoy** asked that the project status chart be modified to include a column to identify the status of the chart prior to each update. She also asked for a larger chart of the BCDC mitigation requirements.

**Ron Tobey, Plant Manager, Pinole**, reported, when asked, that the recent rains had affected the operation of the plant when the shallow water outfall had been used for 19 hours, 40 minutes with a total flow of 2.85 million gallons. He explained that the plant had fared well as a result of the event.

**Hercules Councilmember Romero** asked that the issue of hand wipes, which can clog treatment facilities, be addressed and the public be educated of those impacts to avoid future problems.

**Pinole Councilmember Long** wanted assurance that the proposed restrooms, trail, and picnic benches would all be Americans with Disabilities Act (ADA) accessible. While she had been advised that the parking lot would be used for park users, she sought assurance that the parking lot would not be impacted by construction traffic. She also recommended that County officials be invited to a Subcommittee meeting to emphasize the importance of securing the County permit, although **Mr. Allison** noted while that could be done in the future now was not the time.

## **8. ADJOURNMENT**

The meeting was adjourned at approximately 10:00 A.M. to January 15, 2015 in the City of Pinole.