

AGENDA SPECIAL MEETING WASTEWATER SUBCOMMITTEE MAY 14, 2015 8:30 A.M. HERCULES CITY HALL 111 CIVIC CENTER DRIVE HERCULES, CA 94547

1.	CALL TO ORDER - PLEDGE OF ALLEGIANCE
2.	ROLL CALL
3.	Introductions
4.	APPROVAL OF DRAFT MINUTES FROM MARCH 26, 2015 AND APRIL 15, 2015 MEETINGS
5.	CITIZENS TO BE HEARD — FOR ITEMS NOT ON THE AGENDA
6.	DRAFT FY 2015 – 16 OPERATIONAL AND CAPITAL BUDGETS
7.	PROJECT UPDATE (STATUS OF PLAN REVIEW, SCHEDULE, BUDGET)
8.	DISCUSS AND PROVIDE DIRECTION ON SUBCOMMITTEE MEETING DATE AND TIME
9.	ADJOURN TO THE NEXT REGULAR COMMITTEE MEETING

Ana Morales, Secretary, City of Pinole

PINOLE / HERCULES Wastewater Subcommittee

Draft Minutes prepared by: Anita Tucci-Smith March 26, 2015 9:15 A.M.

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

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Tim Banuelos, Pinole Councilmember serving as Chair, called the meeting to order at 9:20 A.M. and led the Pledge of Allegiance.

2. ROLL CALL

Subcommittee Members Present:

Tim Banuelos, Councilmember, City of Pinole Peter Murray, Mayor; Alternate for Debbie Long, City of Pinole Sherry McCoy, Mayor, City of Hercules Dan Romero, Vice Mayor, City of Hercules

Subcommittee Members Absent:

None

Staff Present:

Belinda Espinosa, City Manager, Pinole
Hector de la Rosa, Assistant City Manager, Pinole
Dean Allison, Public Works Director/City Engineer, Pinole
David Biggs, City Manager, Hercules
Mike Roberts, Public Works Director/City Engineer, Hercules
Patrick Tang, City Attorney, Hercules

Members of the Public:

John Belperio, Carpenters Union
Anthony Gutierrez, Pinole
Dave Kangas, Hercules
Irma Ruport, Pinole
Graham Sharp, Vice President, HDR Engineering, Inc.
Roy Swearingen, Councilmember, City of Pinole
James Tillman, Wastewater Advocate, Pinole

3. INTRODUCTIONS

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

Jim Tillman, Pinole, spoke to the East Bay Municipal Utility District (EBMUD) and the intrusion of water into the sewer plant and urged the Pinole City Council to consider that as an item of public discussion given that water entering the sewer lines and storm drains was causing high operations on the Pinole side.

5. DISCUSS POTENTIAL DEAL POINTS FOR A PROJECT LABOR AGREEMENT

David Biggs, City Manager, Hercules, noted that the Wastewater Subcommittee had agreed to a special meeting to discuss potential deal points for a Project Labor Agreement (PLA). To that end, and considering customized local points, he had developed a bullet point list that he distributed to the Committee and to the public of what staff saw as typical customized provisions for a potential PLA related to:

- Prevailing wage;
- Desired parameters on wages;
- Discussion of financial contributions to union programs for training or education;
- · Benefit package and contribution requirements and parameters;
- Incorporating and defining core worker provisions;
- · Local hire requirements and goals;
- Clarifying provisions for non-union worker access for employment through the union hiring halls;
- Developing eligible apprentice programs;
- · Providing for off-site parts and materials fabrications;
- · Establishing monitoring requirements and components; and
- Defining labor management protocols.

Belinda Espinosa, City Manager, Pinole, stated in general those were the main categories found in a PLA. She noted that the Pinole City Council had already voted to consider a PLA, and once there was general direction, a labor negotiator would be hired to attempt to structure a deal that was centralized on what the cities of Hercules and Pinole wanted the PLA to look like.

Hercules Councilmember Romero stated his vote was still a 'no' vote, although he suggested it was important for the cities to work out the deal points to come to a conclusion and for a potential re-vote in the City of Hercules. He wanted to find out why in Contra Costa County there were no core worker provisions, which was an important issue for him, and that core workers should also be construction workers and not necessarily just management.

Hercules Mayor McCoy stated that all the issues were important and that prevailing wage would be part of the agreement, but sought a clarification of core workers and suggested the definition be expanded to include the workers of a local contractor. She also supported apprenticeship programs and suggested

that providing off-site parts and materials fabrications was a given.

Pinole Mayor Murray supported prevailing wage, benefit packages and contributions; suggested that core workers should be the local hire and be defined as a goal from the position of foreman down; and wanted to make sure that everything was well defined and monitored to avoid abuses.

Pinole Councilmember Banuelos stated that based on his experience, core workers could be defined as the management of the construction work. He suggested that providing for off-site parts and materials fabrications was a necessity and a given, and emphasized the importance of training.

Mr. Biggs noted the desire for core worker provisions for at least supervisor and above, and when defining local worker the contractor would have to meet local worker provisions, generally by percentage.

Ms. Espinosa verified that the negotiations for a PLA would be consistent with the process of other labor negotiations and wanted the issues to be discussed by the Mayors of each city. She noted that the Pinole City Attorney had opined that the issue could not be discussed in closed session by the City Council consistent with other labor negotiations given that the unions were not the City's unions. As a result, everything would be open, all strategies and goals would be revealed as part of the process, and time was of the essence. There was no definition of core worker, although generally that was anything above foreman who were not part of the PLA and who came with the contractor, and in this case, the core worker discussion related to those beneath that level. Approximately 100 workers would be involved in the two-year construction process. Local hire would be by zip code; first within the two cities, and then working outward.

PUBLIC COMMENTS

Irma Ruport, Pinole, expressed concern for delays caused by the City of Hercules earlier in the project and urged the cooperation of both cities to create a win/win situation for the ratepayers of both cities. She supported local hire and continued discussions with all involved, and noted that the PLA negotiators and human resources staff should be from the PLAs and not just from the City.

Jim Tillman, Pinole, suggested the unions should offer their own deal points; noted the delays associated with the project had increased costs to the ratepayers of both cities; and urged a timely resolution of the issues related to the PLA to avoid additional increased costs.

Anthony Gutierrez, Pinole, suggested the attempt to manage the project without a legitimate Project Manager with full authority and attempting to do it by consensus was a concern. He asked why the last 38 wastewater projects in the State of California within the last five years had been done without PLAs; the

percentage of workers who would come from the local hiring region; without a PLA whether a local hire provision could be included in the general contract bid process; and noted that PLAs had been deemed non-discriminatory and asked if that was because non-union workers were considered a protected group in the state. He also asked if it was true that 75 percent of trade employees were non-union members; if any of the big parts off-site would come from off-shore, such as China; and suggested that discussion points were premature and the dispute of whether or not to pursue a PLA should be determined first.

John Belperio, Local Carpenter's Union, stated with respect to local hire language that with a PLA there would be a skilled worker. On the desire for local hire and the majority to be core workers, he stated there could not be both. He noted that Helmets to Hard Hats would come with a PLA where veterans and others would have an opportunity to work; local hire would start in the surrounding area and move out until the positions were filled; and referred to a list of 1,500 Contra Costa County residents in the building trades. He encouraged Subcommittee members to tour the training facilities at any time.

On the discussion, Subcommittee members concurred on most of the deal points but wanted the PLA to return to both City Councils for discussion, preferably at the same time, potentially in special meetings; with the primary areas of concern the definition of core worker and whether to include local workers as core workers, as well as the accommodation of workers with specialized skills.

It was agreed that the Pinole City Council would meet for a special meeting on April 7 to discuss the deal points. The next meeting of the Hercules City Council was identified as April 14. A special Wastewater Subcommittee meeting was scheduled for Wednesday, April 15.

6. ADDITIONAL COMMENTS AND REQUESTS FROM THE SUBCOMMITTEE

There were no comments.

7. ADJOURNMENT

The meeting adjourned at 11:05 A.M. to a special meeting scheduled for Wednesday, April 15, 2015 at 8:30 A.M. in the City of Pinole.

PINOLE / HERCULES Wastewater Subcommittee

Draft Minutes prepared by: Anita Tucci-Smith April 15, 2015 8:30 A.M.

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

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Debbie Long, Pinole Councilmember serving as Chair, called the meeting to order at 8:35 A.M. and led the Pledge of Allegiance.

2. ROLL CALL

Subcommittee Members Present:

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

Subcommittee Members Absent:

None

Staff Present:

Belinda Espinosa, City Manager, Pinole Hector de la Rosa, Assistant City Manager, Pinole Dean Allison, Public Works Director/City Engineer, Pinole David Biggs, City Manager, Hercules Mike Roberts, Public Works Director/City Engineer, Hercules

Members of the Public:

Anthony Gutierrez, Pinole David Kangas, Hercules Jim Tillman, Wastewater Advocate, Pinole

3. CITIZENS TO BE HEARD - FOR ITEMS NOT ON THE AGENDA

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

4. CONTINUED DISCUSSION OF POTENTIAL DEAL POINTS FOR A PROJECT LABOR AGREEMENT (PLA)

Pinole Chair Long advised that the discussion had been continued from the prior special meeting of the Wastewater Subcommittee to allow the Hercules and Pinole City Councils to weigh in on deal points for a PLA.

David Biggs, City Manager, Hercules, explained that at the last meeting there had been a discussion of asking each City Council to review a high level list of typical deal points in a PLA, to be personalized subject to negotiation to determine whether a consensus could be reached. The Pinole City Council discussed the item on April 7; the Hercules City Council discussed the item on April 14.

Belinda Espinosa, City Manager, Pinole, advised that the Pinole City Council had offered some responses to the deal points, copies of which were made available to the Subcommittee and to the public.

On the discussion, there appeared to be agreement on the following deal points:

- Prevailing wage;
- Financial contributions to union programs for training or education;
- Desired parameters on wages; and
- · Provide for off-site parts and materials fabrications, as necessary.

With respect to the benefit package and contribution requirements and parameters; **Hercules Mayor McCoy** noted the consensus of the Hercules Council that there be no double payment of any benefits into the union benefit plan.

Pinole Chair Long spoke to benefits related to not just insurance but 401k contributions and other types of benefits, and recommended a definition of what benefits included prior to making a determination that there would be double payments, with a more in-depth discussion and more information on the benefit package and how it was, or was not, applied at the union level.

Hercules Vice Mayor Romero sought a breakdown on the state prevailing wage, including benefits, to identify the benefit hour for each specialty. He did not want to pay double benefits.

With respect to core worker provisions, Hercules Mayor McCoy referenced the definition provided by Hercules staff as a worker on active payroll for 60 of the 100 working days immediately before commencing work on the project, while Pinole Chair Long noted that the Pinole Council had determined that a core worker was above foreman (not foreman and above), in that a foreman was not necessarily management.

Pinole Councilmember Banuelos stated that those who ran a project, those workers above foreman, should be identified as the core workers; and the kind of experience a core worker should have could be defined.

Hercules Mayor McCoy advised that the Hercules Council wanted the latitude to allow a contractor or subcontractor to be able to retain workers they had worked

with for some time in the below management level.

Hercules Vice Mayor Romero suggested there was an impasse in that the Hercules Council identified core employees, not including management, while the Pinole Council wanted to define core employees as management employees. He suggested that issue would still have to be discussed by the City Councils.

Pinole Chair Long spoke to the *local hire requirements and goals* and suggested starting with Hercules and Pinole, then out to Contra Costa County, and then to Alameda and Solano counties, if needed. If all employees were then not captured, there would need to be a definition for another band.

Hercules Mayor McCoy stated the Hercules Council wanted a specific, realistic goal of 15 to 20 percent from Pinole and Hercules first.

A discussion followed on the difficulties of establishing a goal that once met might not then be pursued to go beyond the goal, along with a concern that a percentage of local hire could not be defined without knowing the specific trades needed.

Hercules Vice Mayor Romero explained that the Hercules Council wanted the hiring sequence to be Pinole, Hercules, West County, Contra Costa County, and then Alameda and Solano counties, and if the positions were then not filled another band would have to be considered. He suggested the local hire should stand alone for each given trade and did not want the numbers to be stacked with laborers.

The Subcommittee sought a discussion of the need to specify that provision.

With respect to clarifying provisions for non-union worker access for employment through the union hiring halls, **Hercules Mayor McCoy** noted that core workers shall be eligible for dispatch through hiring halls associated with the Contra Costa Building Trades. She asked if that was legally required.

Pinole Chair Long sought more information on how that would occur, to be spelled out in the criteria. It was noted that would relate to non-core workers. With respect to skilled workers, whether union or non-union, there would need to be a way to evaluate skill.

Depending on the skill, **Pinole Councilmember Banuelos** suggested that would be included in the project specifications, usually measured by years of experience.

Hercules Mayor McCoy explained that the Hercules Council did not want the double benefits nor the requirement to pay the initiation fee if workers were only for the project, which would need to be discussed. As to defining eligible

apprentice programs, the Hercules Council wanted any state approved program.

Pinole Chair Long stated that the Pinole Council wanted to allow flexibility to whoever was negotiating and she wanted more information on the state level.

Hercules Mayor McCoy referred to establishing monitoring requirements and components, and timely reports on the status of local hire, and defining labor management protocols, and suggested the Project Manager, Carrollo Engineers, would perform that function as part of its oversight.

Hercules Vice Mayor Romero had no other comments. He suggested that the PLA return to the City Councils. He thanked everyone for the special meeting.

Anthony Gutierrez, Pinole, acknowledged the need to fabricate parts off-site but understood the potential that off-site materials were products that had to be made off-site by union shops. He urged further evaluation since that could raise pricing. He also asked whether the use of Carrollo Engineers for oversight management would increase the current contract; and whether prevailing wage included hourly rate, medical benefits, retirement, profit sharing, and stock options.

Pinole Chair Long stated that prevailing wage would include all medical, dental, vision, and retirement, although stock options were not typically included.

Jim Tillman, Pinole, expressed concern for the continued delays and commented that as the lead agency Pinole had the right to make and execute contracts since it had all legal obligations. As such, the current discussions were outside the contract and could jeopardize the contract and the project.

Pinole Chair Long advised that the Subcommittee had expanded its role to be accountable for the decisions and ensure that everything had been fully discussed. She referred to Mr. Gutierrez' question as to whether the contract could exclude products outsourced out of the country and then sent back in for assembly, and asked for a response to that question as well.

In response to the question as to whether the work to be performed by Carrollo Engineers would increase the cost, **Mike Roberts**, **Public Works Director/City Engineer**, **Hercules** advised that he would report back at the next meeting.

The item would be agendized for the next Pinole City Council meeting on April 21.

Pinole Chair Long requested a discussion on the next meeting agenda to explore the possibility of some evening meetings to better accommodate the public.

5. ADDITIONAL COMMENTS AND REQUESTS FROM THE SUBCOMMITTEE

There were no comments.

6. ADJOURNMENT

The meeting adjourned at 9:59 A.M. to a regular meeting scheduled for Thursday, May 14, 2015 at 8:30 A.M. in the City of Hercules.





AGENDA ITEM 6

TO:

WASTEWATER SUBCOMMITTEE

SUBMITTED BY:

DEAN ALLISON

MEETING DATE:

MAY 14, 2015

SUBJECT:

FY 2015 - 2016 OPERATIONAL AND CAPITAL

BUDGETS

RECOMMENDATION

Review and discuss the FY 2015-16 Proposed Operational and Capital Budgets for the Pinole-Hercules Water Pollution Control Plant.

DISCUSSION

The City of Pinole is scheduled to adopt its FY 2015 – 16 budget by July 2015. Prior to adoption, the Subcommittee has the opportunity to review and discuss the draft budget. At the time this report was being prepared, a draft budget was not available. It is hoped that a draft budget can be forwarded to Subcommittee members prior to, or at the meeting so that discussions can begin. If necessary, additional discussions can take place at the Subcommittee's June meeting.





AGENDA ITEM 7

TO:

WASTEWATER SUBCOMMITTEE

SUBMITTED BY:

DEAN ALLISON

MEETING DATE:

MAY 14, 2015

SUBJECT:

PROJECT STATUS REPORT

Since the April 2015 meeting, Carollo Engineers has completed a 90% review of the plans and specifications for the project, They have also provided their review comments to HDR. HDR has prepared an updated Engineer's Estimate of construction costs based upon those 90% plans.

Ongoing project activities include:

- The Notice Inviting Statements of Qualifications is circulating, with responses due back on June 4, 2015.
- Plans are being prepared for the restroom and bench facilities improvements required by the Bay Conservation and Development Commission (BCDC).
- Plans for the offsite storage building are complete. Upon review by the Subcommittee, that project will be advertised for construction bids. Construction is scheduled to begin in September 2015.
- Submittals have been made to the Contra Costa Flood Control District for a property exchange. We expect completion of the property exchange in early 2016. It should be noted that this activity is not on the critical path to begin construction.
- There have been ongoing communications with the staff from the State Water Resources Control Board regarding loan status. A verbal update will be provided at the meeting by Assistant City Manager, Hector De La Rosa.
- Staff from both cities as well as our engineering consultants has been meeting regularly to establish project phasing plan and a construction schedule.

Project Schedule

The project schedule continues to track with the March 2015 schedule previously provided to the Subcommittee, with an estimated construction start date of early 2016. The critical path to construction include completing the Pre-Qualification

Subcommittee Report May 14, 2015

Process, negotiating the terms of the Project Labor Agreement, advertising the plans and specifications for construction bids and award of a construction contract.

Over the past two months considerable attention has been paid to construction sequencing. Construction sequencing for such a significant upgrade at such a space- limited plant that must remain operational is complex. After considerable analysis, it has been determined that construction will take place in three phases, and that the total duration of construction will be 32 months rather than the 24 months initially estimated.

Project Budget

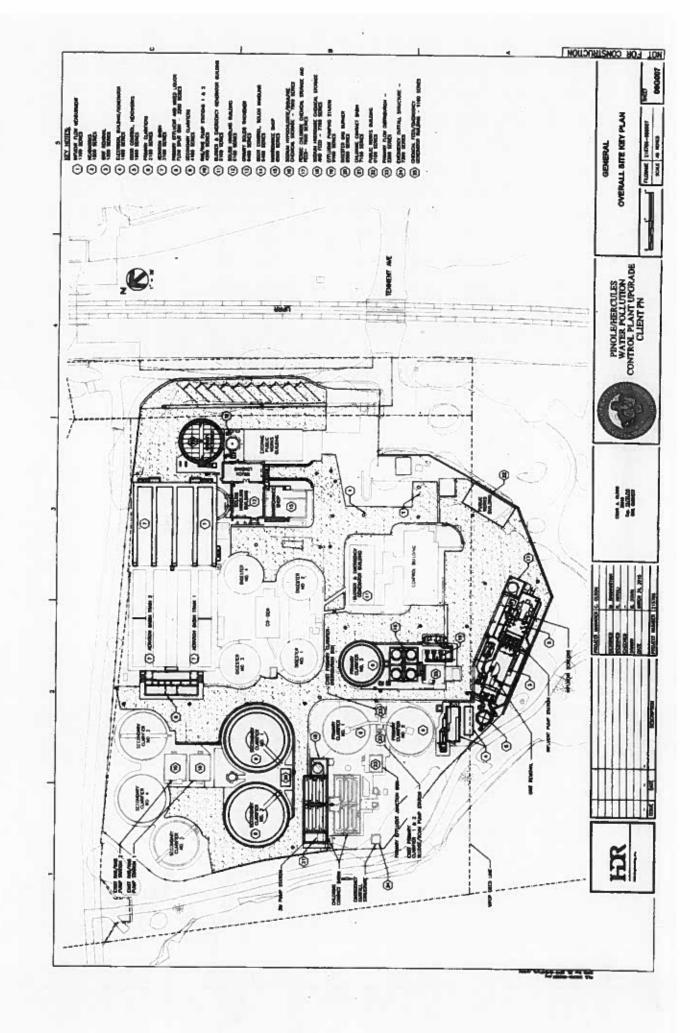
The most recent *Engineer's Estimate of Construction Cost* projects construction costs at \$37,875,800, an increase of \$400,000 (approximately 1%) over the August 2014 estimate.

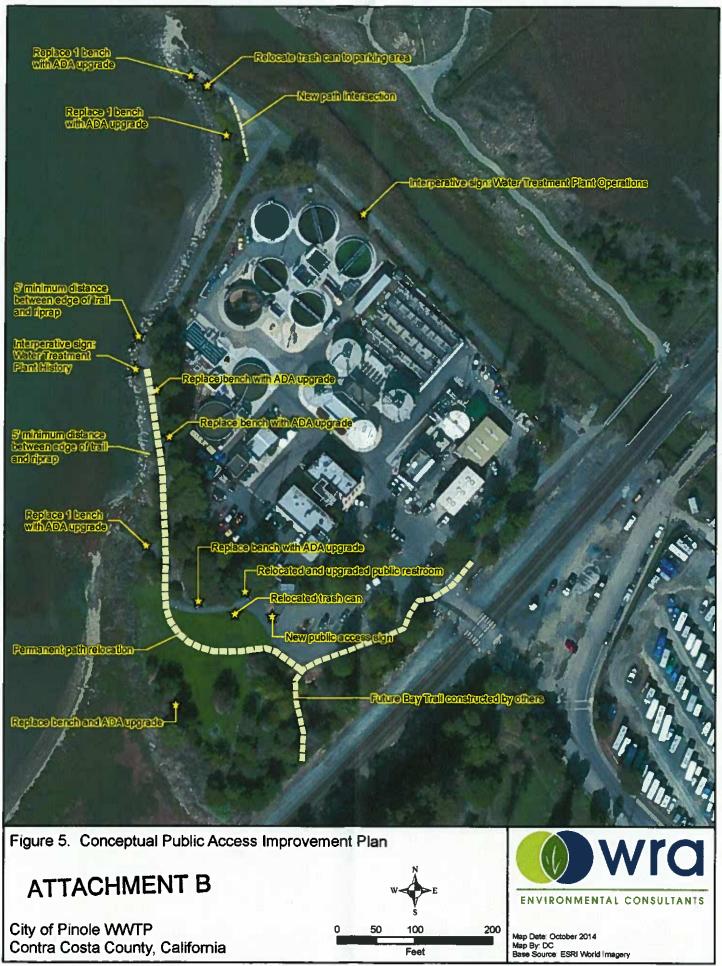
Because construction duration is now estimated at 32 months rather than 24 months, additional Construction Management Services will be required. It is estimated that those additional Construction Management Services will be approximately \$400,000.

The overall project budget has increased by approximately \$800,000

Attachments

Attachment A
Attachment B
Exhibit of Plant Upgrades
Exhibit of Park Mitigation for Bay Conservation and Development Commission
Attachment C
Exhibit of Offsite Storage Building
Attachment D
Attachment D
Attachment E
Engineering Cost Estimate of Plant Upgrades







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ATTACHMENT C

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Engineer's Estimate of Probable Costs for Pinole Hercules Water Pollution Control Plant

Description		August 1, 2014		May 6, 2015		
Headworks	\$	6,167,000	\$	5,930,000		
Electrical	\$	3,013,000	\$	1,260,000		
Secondary System	\$	14,190,000	\$	16,934,000		
Chlorine Disinfection	\$	2,553,000	\$	3,127,000		
Effluent Pumping	\$	1,235,000	\$	1,203,000		
Solids Handling	\$	4,772,000	\$	5,416,000		
Modification at Confluence with Rodeo	\$	32,000	\$	32,000		
Subtotal	\$	31,962,000	\$	33,902,000		
Contingency	\$	4,150,000	\$	3,050,000		
Total Construction Costs	\$	36,112,000	\$	36,952,000		
Construction Costs in 2016 Dollars	\$	37,014,800	\$	37,875,800		
Estimated other costs:						
Replace Restrooms	\$	300,000	\$	150,000		
Park Mitigation	\$	200,000	\$	200,000		
Street Migitation	\$	200,000	\$	200,000		
Replace PW Building on-site and off-site	\$	500,000	'	on-site building included in above estimate		
Replace PW Building off-site			\$	176,000		
Total Estimated Construction Costs	\$	38,214,800	\$	38,601,800		
Anticipated engineering Costs:						
Construction Management	\$	2,000,000	\$	2,400,000		
Engineering During Construction	\$	1,000,000	\$	1,000,000		
Total Prospective Project Costs	\$	41,214,800	\$	42,001,800		
Past Costs:						
Preliminary Engineering	\$	700,000	\$	700,000		
Final Engineering	\$	2,700,000	\$	2,700,000		
Total Project Costs	\$	44,614,800	\$	45,401,800		





AGENDA ITEM 8

TO:

WASTEWATER SUBCOMMITTEE

SUBMITTED BY:

DEAN ALLISON

MEETING DATE:

MAY 14, 2015

SUBJECT:

MEETING DATES FOR SUBCOMMITTEE

RECOMMENDATION

Discuss a possible change to the regular meeting date for meetings.

DISCUSSION

The Subcommittee currently meets on the second Thursday of each month. This meeting time conflicts with the Technical Advisory Committee (TAC) for the West Contra Costa Transportation Advisory Committee (WCCTAC). Attendance at TAC meetings is important for Staff to stay current on transportation funding opportunities. Based on this, it is recommended for both cities that an alternate date for Subcommittee meetings be set.

For planning purposes, it is noted that the West County Mayors also meets at 8am on the fourth Thursday each month, as well as the County Engineering Advisory Committee holds their monthly meetings at 11am on the third Thursday each month.