



**MILPITAS CITY COUNCIL AGENDA
TUESDAY, JANUARY 7, 2014**

**455 EAST CALAVERAS BLVD, MILPITAS, CA
6:30 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)**

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL by the Mayor (6:30 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
 - 1. CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(a)
County of Santa Clara, et al., v. Milpitas Economic Development Corporation, et al., Sacramento County Superior Court case no. 34-2013-80001436, and
Successor Agency to the Milpitas Redevelopment Agency, et al. v. John Chiang, et al., Sacramento County Superior Court case no. 34-2013-80001508
 - 2. CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(a)
City of Milpitas v. City of San Jose, Santa Clara County Superior Court case no. 112CV233069
- III. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Councilmember Montano)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – December 3, 2013**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR – January 2014**
- VIII. PRESENTATIONS**
 - Recognition of the *2014 Artist of the Year Carla Moss*
 - Presentation to City of donation from the Milpitas Alliance for the Arts
- IX. PUBLIC FORUM**

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

- X. ANNOUNCEMENTS**
- XI. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- XII. APPROVAL OF AGENDA**
- XIII. CONSENT CALENDAR (Items with asterisks*)**

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XIV. PUBLIC HEARING

- 1. Conduct Public Hearing on 2014 Weed Abatement Program and Adopt a Resolution Directing the Abatement Program (Staff Contact: Albert Zamora, 408-586-3371)**

XV. REPORTS OF MAYOR AND COMMISSION

- * 2. Consider Mayor's Recommendation of Appointments and Re-Appointments to Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**
- * 3. Approve Library Advisory Commission 2014 Work Plan (Staff Contact: Sheldon Ah Sing, 408-586-3278)**

XVI. NEW BUSINESS

- * 4. Accept Donation from the Milpitas Alliance for the Arts to the City of Milpitas for Arts Programs in the Community (Staff Contact: Renee Lorentzen, 408-586-3409)**
- * 5. Consider Request from American Cancer Society to Waive Fees for the Annual Relay for Life Fundraiser at Milpitas Sports Center to be held June 21-22, 2014 (Staff Contact: Mary Lavelle, 408-586-3001)**
- * 6. Consider Request from Korean Language and Culture Foundation for a Donation of \$500 (Staff Contact: Mary Lavelle, 408-586-3001)**
- * 7. Authorize City Manager to Form a Financial Partnership between the City of Milpitas and the Milpitas Fire Fighters Union, Local 1699 to Support the Annual Toy Drive (Staff Contact: Robert Mihovich, 408-586-2811)**

XVII. ORDINANCES

- 8. Second Reading and Adoption of Ordinance No. 243.7 Amending Regulation of Campaign Contributions Ordinance to Prevent Acceptance of Contributions Exceeding \$250 Per Contributor (Staff Contact: Michael Ogaz, 408-586-3040)**
- 9. First Reading and Introduction of Ordinance No. 26.4 Updating City Expenditure Ratification Process In Accordance with State Law (Staff Contact: Emma Karlen, 408-586-3145)**

XVIII. RESOLUTIONS

- * 10. Adopt a Resolution Awarding the Bid for City Wide Janitorial Service at Twelve City of Milpitas Locations to Varsity Facility Services for Annually Not-To-Exceed \$408,288 and Authorize the City Manager to Renew the Agreement Annually (Staff Contact: Chris Schroeder, 408-586-3161)**
- * 11. Adopt a Resolution Approving the Site Development Permit for a 121 Square Foot Addition to a Hillside Home Located at 1609 Country Club Drive (Staff Contact: Steve McHarris, 408-586-3273)**

- * 12. **Adopt a Resolution Awarding a Construction Contract to Exaro Technologies Corporation for Cathodic Protection Improvements, Projects No. 7115, No. 6115, and No. 3706 and Authorize Staff to Execute Contract Change Orders (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 13. **Adopt a Resolution Appointing Steven Machida as City of Milpitas Alternate to the Santa Clara Valley Water Commission (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 14. **Adopt a Resolution Granting Final Acceptance of the Fire Station Improvements Re-plumbing Fire Station No. 2 and No. 3, Project No. 3403 (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 15. **Adopt a Resolution Granting Final Acceptance of the Police Department Evidence Room Improvements, Project No. 9003 (Staff Contact: Jeff Moneda, 408-586-3345)**

XIX. BIDS & AGREEMENTS

- * 16. **Approve Plans and Specifications and Authorize Advertisement for Bid Proposals for Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096 and No. 7116 (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 17. **Authorize the City Manager to Execute a Consultant Agreement with HydroScience Engineers, Inc for On-Call Support Services on the City’s Potable and Recycled Water Systems Not to Exceed \$40,500 and Approve a Budget Appropriation (Staff Contact: Steven Machida, 408-586-3355)**
- * 18. **Approve Plans and Specifications and Authorize Advertisement for Bid Proposals and Approve Amendment No. 1 to the Agreement with BFGC Architects Planners, Inc. for Milpitas Sports Center Facility Improvements, Project No. 3408 (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 19. **Approve a Consultant Agreement with RMC Water and Environment for Sewer System Replacement 11-12 and 12-13 “Marylinn Drive Sewer Replacement” Projects No. 6115 and No. 6116 (Staff Contact: Jeff Moneda, 408-586-3345)**

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULE COUNCIL MEETING
TUESDAY, JANUARY 21, 2014 AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Fax: 408-586-3056 / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist on the:

*Emergency Preparedness Commission
Public Art Committee (Alliance for the Arts member)
Recycling and Source Reduction Advisory Commission
Sister Cities Commission
Telecommunications Commission*

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at (408) 586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings.

AGENDA REPORTS

XIV. PUBLIC HEARING

1. **Conduct Public Hearing on 2014 Weed Abatement Program and Adopt a Resolution Directing the Abatement Program (Staff Contact: Albert Zamora, 408-586-3371)**

Background: At its December 3, 2013 meeting, the City Council adopted Resolution No. 8326 declaring weeds on certain described properties to be a public nuisance, and set a public hearing for this date to hear objections. A copy of the resolution was forwarded to the Santa Clara County Agricultural Commissioner. A notice of the public hearing was published in the local newspaper and property owners mailed a notice of the proposed abatement by the County. The purpose of the public hearing is for owners who may object to the removal of the weeds to state their objections before the weeds are removed and the costs made a lien upon the property. A list of properties to be abated is included in the City Council's agenda packet along with a resolution directing the County Agricultural Commissioner to abate the weeds.

Fiscal Impact: None.

Recommendation:

1. Open the Public Hearing for public comments and move to close the hearing.
2. Adopt a resolution directing the County Agricultural Commissioner to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council, in accordance with the Milpitas Municipal Code.

XV. REPORTS OF MAYOR AND COMMISSION

* 2. **Consider Mayor's Recommendation of Appointments and Re-Appointments to Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following re-appointments and appointments:

Arts Commission and Public Art Committee:

Re-appoint Bill Foulk as a regular member to a term that will expire in October 2016.

Community Advisory Commission:

Re-appoint Syed Mohsin as a regular member to a term that will expire in January 2018.

Re-appoint Michelle Manassau as a regular member to a term that will expire in January 2018.

Re-appoint Edna Andres as a regular member to a term that will expire in January 2018.

Senior Advisory Commission:

Appoint Patrick Yung (currently Alternate No. 1) as a regular member to a term that will expire in December 2015.

Appoint Jae Kuk Wi (currently Alternate No. 2) as Alternate No. 1 to a term that will expire in December 2015.

Newly appoint Jenny Berryhill as Alternate No. 2 to a term that will expire in December 2014.

Sister Cities Commission:

Appoint Nolan Chen (currently Alternate No. 1) as a regular member to a term that will expire in September 2014.

Appoint Peter Chang (currently Alternate No. 2) as Alternate No. 1 to a term that will expire in September 2014.

Telecommunications Commission:

Re-appoint Dinesh Gupta as a regular member to a term that will expire in January 2016.

Re-appoint Hai Tran as a regular member to a term that will expire in January 2016.

Recommendation: Receive Mayor's recommendations and move to approve appointments and re-appointments to five Milpitas Commissions, as listed above.

- * 3. **Approve Library Advisory Commission 2014 Work Plan (Staff Contact: Sheldon Ah Sing, 408-586-3278)**

Background: On September 16, 2013, the Library Advisory Commission met and approved its 2014 Work Plan. The Commission's 2014 Work Plan identifies the Commission's goals, projects and ongoing tasks. The work plan is submitted to the City Council with a recommendation for approval.

Fiscal Impact: None.

Recommendation: Approve the work plan for the Library Advisory Commission for 2014.

XVI. NEW BUSINESS

- * 4. **Accept Donation from the Milpitas Alliance for the Arts to the City of Milpitas for Arts Programs (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: The Milpitas Alliance for the Arts, a Milpitas non-profit arts organization, donated \$18,926 to the City of Milpitas for arts programs and classes. The mission of the Milpitas Alliance for the Arts is to encourage and promote quality cultural experiences in the areas of visual and performing arts in Milpitas. With the Alliance deciding to dissolve in 2013, it wanted to donate the remainder of its funds to local programs which would continue the organization's mission. The Milpitas Alliance for the Arts directed the money be allocated, as follows:

Public Art Program - \$12,000
Milpitas Community Concert Band - \$3,463
Center Stage Performing Arts - \$3,463

Fiscal Impact: program budgets will be increased as follows:

1. Approve budget appropriation in the amount of \$12,000 from grant revenue to the Public Art Program.
2. Approve budget appropriation in the amount of \$3,463 from grant revenue to the Milpitas Community Concert Band program.
3. Approve budget appropriation in the amount of \$3,463 from grant revenue to Center Stage Performing Arts program.

Recommendation: Accept the Milpitas Alliance for the Arts donation to the City in a total amount of \$18,926 to be incorporated into the Public Art Program and Milpitas Recreation Division budgets, and approve the three appropriations, as listed.

- * 5. **Consider Request from American Cancer Society to Waive Fees for Annual Relay for Life Fundraiser at Milpitas Sports Center to be held June 21-22, 2014 (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: On November 21, 2013, the City Clerk received a "Donation or Fee Waiver/Reduction Request Application Form" from American Cancer Society. The request is for the City Council to waive certain City fees for the upcoming annual "Relay for Life" fundraising walkathon to be held on the grounds of the playing field at the Milpitas Sports Center in June. The location has been reserved and deposit fees paid toward the costs for site rental. Costs requested to be waived are:

Football field – application for use	\$20
Football field – rental fees	\$1200
Community Center – application fee	\$20
Community Center – rental fees	\$140
Cost for attendant for the mobile stage	\$60
Total	\$1,440

Fiscal Impact: \$20,000 was approved and included in the FY 2013-14 City budget for City Council’s Unallocated Community Promotions. If the current fee waiver is approved, then \$13,651.95 would be the remaining balance. This request is consistent with the Council’s adopted Donation and Fee Waiver policy.

Recommendation: Move to waive \$1,440 in fees for specified City costs related to the annual American Cancer Society’s Relay for Life walkathon event at Milpitas Sports Center on June 21-22, 2014.

* **6. Consider Request from Korean Language and Culture Foundation for a Donation of \$500 (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: On December 9, 2013, the City Clerk received a “Donation or Fee Waiver/Reduction Request Application Form” from the Korean Language and Culture Foundation, a non-profit organization in Milpitas. This group held a celebration of Hangeul, the Korean alphabet, at City Hall on October 5, 2013. The event allowed participants to experience Korean culture including the Korean alphabet, Korean customs and printing system. The non-profit is seeking funds for support from the City of Milpitas.

Fiscal Impact: \$20,000 was approved and included in the FY 2013-14 City budget for City Council’s Unallocated Community Promotions. If the current donation request is approved along with the fee waiver on this meeting agenda, then \$13,151.95 would be the remaining balance. This request is consistent with the Council’s adopted Donation and Fee Waiver policy.

Recommendation: Consider the request from the Korean Language and Culture Foundation, and move to approve a \$500 donation.

* **7. Authorize City Manager to Form a Financial Partnership between the City of Milpitas and the Milpitas Fire Fighters Union, Local 1699 to Support the Annual Toy Drive (Staff Contact: Robert Mihovich, 408-586-2811)**

Background: Fire Fighters Union Local 1699 has coordinated the annual toy drive for the City of Milpitas’ underprivileged children for more than 20 years. This event is made possible by private donations, and labor and time donated on part of the Milpitas Fire Department, their families and volunteers. Historically, the City has covered costs for the Local 1699’s non-profit organization, Milpitas Fire Fighters Toy Program, for printing and postage. To continue to support the community, it is requested that the City and the Local form a financial partnership in support of this event, in which the City as a co-sponsor will contribute \$2,200 a year to the Milpitas Fire Fighters Toy Program in order to fund the printing and postage of donation request letters. Without the City’s financial contribution and assistance, the event is not possible. Additionally, City management and the Local are requesting this agreement to last for a term of five years, covering Christmas 2013 through 2018.

Fiscal Impact: \$2,200 annually from the City Council’s Unallocated Community Promotions Budget for FY 2013-14 through FY 2018-19.

Recommendation: Authorize the City Manager to form a financial partnership with Firefighters Local 1699 to support the Milpitas Fire Fighters Toy Drive, a 501(c)3 non-profit organization,

for up to \$2,200 annually, to pay the costs of printing and postage of donation request letters over the course of five years, 2013 through 2018.

XVII. ORDINANCES

8. Adopt Ordinance No. 243.7 Amending Regulation of Campaign Contributions Ordinance to Prevent Acceptance of Contributions Exceeding \$250 Per Contributor (Staff Contact: Michael Ogaz, 408-586-3040)

Background: At the December 3, 2013 City Council meeting, staff was directed to amend the proposed Ordinance No. 243.7. The original version limited the amount of funds that a candidate could accept from another account held by the same person to \$250. This amended version allows transfers in a total amount exceeding \$250 so long as it does not result in any individual contributor ultimately donating more than \$250 to the Milpitas campaign account. This is a variation on a state law which governs candidates for state elective office, which requires funds be traced from their original donor so that the individual contribution limit is not exceeded when funds are transferred from another account held by the same candidate.

Fiscal Impact: None.

Recommendations:

1. Following the City Attorney's reading of the title, move to waive the second reading beyond the title.
2. Move to adopt Ordinance No. 243.7.

9. Consider Introduction of Ordinance No. 26.4 Updating City Expenditure Ratification Process In Accordance with State Law (Staff Contact: Emma Karlen, 408-586-3145)

Background: State laws (California Government Code Sections 37202-37208) have been amended several times over the years to provide government agencies flexibility in how budgeted warrants and demands are audited and ratified by their legislative bodies. California Government Code Section 32708(c) allows for budgeted payrolls and demands paid by warrants or checks to be presented to the City Council for ratification and approval in the form of an audited and Comprehensive Annual Financial Report (CAFR). The CAFR contains the independent auditor's report and opinion, and a summary of all budgeted funds and expenditures over the prior fiscal year. The City's practice of submitting a CAFR to the City Council for review and approval on an annual basis is consistent with state law and the proposed ordinance will update the City's Municipal Code in accordance with state law.

Fiscal Impact: None.

Recommendations:

1. Following the City Attorney's reading of the title, move to waive the first reading beyond the title of Ordinance No. 26.4
2. Move to introduce Ordinance No. 26.4 updating the City expenditure ratification process in accordance with State law.

XVIII. RESOLUTIONS

*** 10. Adopt a Resolution Awarding the Bid for City Wide Janitorial Service at Twelve City of Milpitas Locations to Varsity Facility Services for Not-To-Exceed Annually \$408,288 and Authorize the City Manager to Renew the Agreement Annually (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: On October 23, 2013, staff issued a Request for Proposal (RFP) for City Wide Janitorial Service at twelve City of Milpitas locations. City Purchasing staff worked closely with

the Engineering staff to develop the specification and bid package for the RFP which was advertised in the local newspaper, on the City website and through Public Purchase. Nine proposals were received and evaluated by a committee of five, including the CIP Manager, two Maintenance Custodians II, the Recreation Services Supervisor, and the Public Works Manager. That team then scored the proposals based on seven criteria. The proposers' company backgrounds, technical abilities, and references were evaluated and then interviews of the top three proposers were conducted. The recommendation for award is based on the offering considered to be the most advantageous to the City based on the seven criteria. The new contract for janitorial service is for one year from January 7, 2014 to January 6, 2015 with four one-year options for renewal. Renewal years contain a compensation adjustment clause based on past performance and proof of industry price change of no more than 5% per year.

Fiscal Impact: None. Funds are available from the Facilities Maintenance Operating Budget for this service.

Recommendations:

1. Adopt a resolution awarding the contract for City Wide Janitorial Service at twelve City of Milpitas locations to Varsity Facility Services in the annual not-to-exceed amount of \$408,288.00, and not to exceed \$2,041,440 during the five year term.
2. Authorize the City Manager to extend the term of the agreement annually for the next four years with an annual increase of no more than 5% per year without further City Council action, except for appropriation of funds.

* **11. Adopt a Resolution Approving the Site Development Permit for a 121 Square Foot Addition to a Hillside Home Located at 1609 Country Club Drive (Staff Contact: Steve McHarris, 408-586-3273)**

Background: In July 1978, the City of Milpitas reviewed and approved a Planned Unit Development (PUD No. 21) for a golf course with an 88 single family home subdivision on approximately 195 acres within the east hills of Milpitas called Summitpointe.

On July 29, 2013, an application was submitted per the City's Hillside Ordinance for an amendment to a Site Development Permit to evaluate the proposed addition. The Planning Commission adopted a resolution on December 11, 2013 recommending project approval to the City Council. The staff report and meeting minutes are included in the Council's agenda packet.

Project Description: The project site is located within the gated community to the northeast of the Summitpointe Spring Valley Golf Course in the Milpitas hillside area. The property is a developed 0.34 acre lot with a 4,835 square foot home with 3,106 square foot lot coverage, and 6,465 square feet of impervious surfaces. The General Plan designated this site as Hillside Medium Density (up to three units per gross acre). The Zoning District is Single Family Residential with Hillside Combining District, and Planned Unit Development 21.

The applicant proposes to convert the existing laundry room into an office and construct a 121 square foot addition for a new laundry room located at the rear of the home. Parking and landscaping for the site will remain unchanged and no grading is required for the new addition. Project plans are included in the Council's agenda packet.

The proposed home is consistent with the General Plan, Zoning Ordinance, and PUD 21 - Hillside development standards. The project is categorically exempt under the California Environmental Quality Act pursuant to Section 15301(e) for Additions to Existing Structures.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving Site Development Permit Amendment No. SA13-0002, subject to conditions of approval for the 121 square foot addition to the home at 1609 Country Club Drive in Milpitas.

- * 12. **Adopt a Resolution Awarding a Construction Contract to Exaro Technologies Corporation for Cathodic Protection Improvements, Projects No. 7115, No. 6115, and No. 3706 and Authorize Staff to Execute Contract Change Orders (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: On June 18, 2013, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Cathodic Protection Improvements, Projects No. 7115, No. 6115, and No. 3706. The projects provide for upgrades, repairs, and replacement of the City's existing cathodic protection systems, which are installed on buried metal pipelines to help protect the pipelines from corrosion and extend its useful life. The Engineer's estimate for the base bid project work was \$522,000.

The project was advertised and three sealed bid proposals were received on December 17, 2013. Bid proposals ranged from \$477,630 to \$1,165,602, and the lowest responsible base bid was submitted by Exaro Technologies Corporation in the amount of \$477,630.00.

As previously approved by Council for the successful completion of recent projects with tight completion schedules, staff is requesting use of the same change order policy. This policy allows for the timely completion of the Cathodic Protection Improvements Project, while addressing the need to respond swiftly to construction conditions and approving necessary change orders, in order to limit potential claims or risk to the City. The construction contingency established for this project is \$55,000 and the change order authority would not exceed this amount nor require additional appropriation.

Fiscal Impact: None. Sufficient funds are available in the project budgets.

Recommendations:

1. Adopt a resolution awarding a construction contract to Exaro Technologies Corporation for Cathodic Protection Improvements, Projects No. 7115, No. 6115, and No. 3706, in the amount of \$477,630.00.
 2. Authorize the Director of Public Works to execute change orders for the Cathodic Protection Improvements projects, provided change orders do not exceed the established construction contingency amount for the project and do not require additional appropriation.
- * 13. **Adopt a Resolution Appointing Steven Machida as City of Milpitas Alternate to the Santa Clara Valley Water Commission (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: The Santa Clara Valley Water District contacted the City Clerk to inquire if the City would consider appointing an alternate member to the Santa Clara Valley Water Commission. Councilmember Gomez is the City's current representative on the Water Commission. However, the alternate seat has been left vacant. The primary seat must be held by an elected official, whereas the alternate seat may be filled by an elected official or by a staff member. In the recent past, the City Council appointed the Principal Engineer to serve as the alternate on the Water Commission. It is recommended that this practice be continued.

The Water Commission meetings are held quarterly, with the next meeting scheduled on January 22, 2014. Meetings are held at the Santa Clara Valley Water District headquarters from 12:00 noon to 2:00 pm. Staff is readily available to attend these daytime meetings when they are scheduled.

Recommendation: Adopt a resolution to appoint Principal Engineer Steven Machida as the City of Milpitas Alternate to the Santa Clara Valley Water Commission for a two year term.

- * 14. **Adopt a Resolution Granting Final Acceptance of the Fire Station Improvements Re-plumbing Fire Station No. 2 and No. 3, Project No. 3403 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: This project was initially accepted on August 7, 2012, and passed the one-year warranty period. A final inspection of the installed public improvements was made and the work was found to be satisfactory. The project provided for the replacement of the old galvanized water system with a new copper water system within Fire Station No. 2 and No. 3.

Staff recommends the Council adopt a resolution granting final project acceptance of the Fire Station Improvements, Project No. 3403 and releasing the contractor's bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of Fire Station Improvements, Project No. 3403 and releasing the contractor's bond.

- * 15. **Adopt a Resolution Granting Final Acceptance of the Police Department Evidence Room Improvements, Project No. 9003 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: This project was initially accepted on August 21, 2012 and has passed the one-year warranty period. A final inspection of the installed public improvements was made and the work was found to be satisfactory. The project provided new floor covering, wall painting, construction of new walls creating separation of work space from the evidence storage area, and improvement of the heating ventilation and air conditioning system. Staff recommends the Council grant final project acceptance of the Police Department Evidence Room Improvements, Project No. 9003, and release the contractor's bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of the Police Department Evidence Room Improvements, Project No. 9003 and releasing the contractor's bond.

XIX. BIDS & AGREEMENTS

- * 16. **Approve Plans and Specifications and Authorize Advertisement for Bid Proposals for Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096 and No. 7116 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: Staff completed plans and specifications for the Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096 and No. 7116. The project provides for various improvements at Pinewood Park, which include two new group picnic areas, complete replacement of the toddler play lot, replacing the tennis court backstop wall, rehabilitation of the existing irrigation and lighting systems, landscaping, and correction of deficiencies at the park to comply with current regulations. The project will also provide an all-weather pavement surfacing around the Pinewood Well structure to allow better access by Public Works staff. Also included with this project are corrections of the sidewalk cross-slope and drainage issues at Lone Tree Court along with adding a vehicular driveway for maintenance access to Pinewood Well. To capitalize on economy of scale and efficiencies, this project will also include replacement of the tennis court backstop wall at Robert E. Browne Park.

The Engineer's estimate for the project is \$1,900,000. A copy of the title sheet of the project plans is included in the Council's agenda packet and the complete set of plans and specifications is available for review in the office of the City Engineer.

Fiscal Impact: None. Sufficient funds are available in the project budgets for these services.

Recommendation: Approve plans and specifications for Pinewood Park Improvements Projects No. 3412, No. 5095, No. 5096 and No. 7116, and authorize advertisement for bid proposals.

- * 17. **Authorize the City Manager to Execute a Consultant Agreement with HydroScience Engineers, Inc. for On-Call Support Services on the City's Potable and Recycled Water Systems Not to Exceed \$40,500 and Approve a Budget Appropriation (Staff Contact: Steven Machida, 408-586-3355)**

Background: HydroScience Engineers, Inc. (HSE) has been selected to provide on-call assistance to address regulatory reporting changes related to the City's potable and recycled water systems. HSE was selected from a formal list of "on-call" consultants established by the City in September of 2013. Under this agreement HSE will: provide on-call technical support services such as implementation of the new reporting of the City's water system for possible contaminants identified in the Unregulated Contaminant Monitoring Rule 3 (UCMR3) established by the United States Environmental Protection Agency (EPA). The City is required to monitor 30 contaminants during a 12-month period, at some point during the months of January 2013 and December 2015. Although these contaminants are not regulated under the existing water quality protocols, the EPA will use this data for future possible regulatory actions. The fee to perform this work is \$10,000.

HSE will provide on-call technical support services such as site permit compliance, including cross connection testing between the City's potable water and recycle water systems, plan preparations and completion of compliance checklists. There are approximately 167 businesses currently receiving recycle water for on-site landscaping and cooling tower. When these businesses were originally connected to the recycle water system, there were no cross-connections. However, over time, on-site plumbing changes occur where the two water systems could be inadvertently connected. It is estimated that 10 businesses will require follow up. To ensure the safety of the City's water systems, this work is needed to assess these situations and, if necessary, make the corrections as required by the California Department of Public Health (CDPH) and the South Bay Water Recycling (SBWR). The fee to perform this work is \$30,500.

The scope and fee for these services was negotiated for an amount not to exceed \$40,500, which is considered reasonable for the services provided. HSE is qualified to provide these services.

Fiscal Impact: A budget appropriation in the amount of \$40,500 to the Engineering Division operating budget is necessary to perform this work. \$10,000 will be paid from the Water fund and \$30,500 will be reimbursed from South Bay Water Recycling for the work to perform the cross-connection analysis.

Recommendations:

1. Approve and authorize the City Manager to execute an agreement with HydroScience Engineers, Inc. in an amount not to exceed \$40,500.00.
2. Approve a budget appropriation in the amount of \$40,500 to the Engineering budget. \$10,000 will be paid from the Water fund and \$30,500 will be reimbursed from South Bay Water Recycling.

- * 18. **Approve Plans and Specifications and Authorize Advertisement for Bid Proposals and Approve Amendment No. 1 to the Agreement with BFGC Architects Planners, Inc. for Milpitas Sports Center Facility Improvements, Project No. 3408 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: On September 3, 2013, the City entered into a consultant agreement with BFGC Architects Planners, Inc. in the amount of \$62,000 to provide site assessment and design services for the Milpitas Sports Center Facilities Improvements Project. On November 5, 2013,

alternative design options were presented to the City Council for consideration. City Council approved staff's recommendation to move forward with the design for the reconstruction of the men's and women's locker rooms at the Milpitas Sports Center, which provides for the complete reconstruction of both the men's and women's locker rooms, including new interior walls with concrete curbs, as required by both the Plumbing and Health Codes, and for complete replacement of the sewer line serving the locker rooms. In addition, new restrooms, lockers, benches, fixtures, shower stalls, flooring, drinking fountains, and finishes will be included in the project. Mechanical and electrical systems serving the locker rooms would be upgraded to meet current code requirements.

Due to the expanded scope of the project, staff directed BFGC Architects Planners, Inc. to perform additional design services accordingly. Amendment No.1 with BFGC Architects Planners, Inc. is proposed to include these additional design services. Amendment No. 1 also includes funding for construction support services. Staff negotiated a fee for these services not to exceed \$41,665, which is considered reasonable for the work. Approval of this agreement amendment brings the total agreement amount to \$103,665.

Plans and specifications for the Milpitas Sports Center Facility Improvements, Project No. 3408, are now complete. The Engineers Estimate for construction of the project is \$900,000, which includes additional scope of work for a separate but related project, replacement of the Sports Center pool boilers (CIP 3406), with an estimated cost of \$125,000. A copy of the title sheet of the project plans is included in the Council's agenda packet and the complete set of plans and specifications is available for review in the office of the City Engineer.

Fiscal Impact: None. Sufficient funds are available in the project budget for these services. However, a budget appropriation will be necessary at the time of award of the construction contract.

Recommendations:

1. Approve Plans and Specifications and authorize advertisement for bid proposals for Project No. 3408.
2. Approve Amendment No. 1 to the agreement with BFGC Architects Planners, Inc. in the amount of \$41,665, Project No. 3408.

*** 19. Approve a Consultant Agreement with RMC Water and Environment for Sewer System Replacement 11-12 and 12-13 "Marylinn Drive Sewer Replacement" Projects No. 6115 and No. 6116 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: The Sewer System Replacement 11-12 & 12-13 "Marylinn Drive Sewer Replacement", Projects No. 6115 and No. 6116, are included in the approved Capital Improvement Program. The existing sanitary sewer lines, which were installed in the 1950's, were video inspected and it was determined that the line has reached the end of its useful life and is not structurally sound. This segment of pipe transmits approximately 30-40% of the City's sewer flows. The scope of work includes generating plans, specification, obtaining easements and regulatory permits, and contract documents for the improvements to replace the existing sanitary sewer along Marylinn Drive to the westerly side of Interstate 880. The improvements would generally include: removing and replacing approximately 700 feet of 27 to 30-inch sanitary sewer lines, installation of a 48-inch diameter steel casing under I-880, constructing a temporary sewer bypass to allow for the continuous operation of the sewer line, and associated surface repairs. Through the City's consultant selection process, RMC Water and Environment was selected to provide the design services, construction management, and other services for the Sewer System Replacement 11-12 & 12-13 "Marylinn Drive Sewer Replacement." Staff negotiated a scope and fee for these services not to exceed \$475,000, which is considered reasonable for the work.

Fiscal Impact: None. Sufficient funds are available in the project budgets for these services.

Recommendation: Approve a consultant agreement with RMC Water and Environment, in the amount of \$475,000, and for a term to June 30, 2016, for the Marylinn Drive Sewer Replacement Projects No. 6115 and No. 6116.

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULE COUNCIL MEETING
TUESDAY, JANUARY 21, 2014 AT 7:00 P.M.**