



MILPITAS CITY COUNCIL AGENDA
TUESDAY, APRIL 15, 2014
455 EAST CALAVERAS BOULEVARD, MILPITAS, CA
6:00 P.M. (CLOSED) • 7:00 P.M. (PUBLIC BUSINESS)



SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
 - 1. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**
Pursuant to California Government Code Section 54957.6. City Negotiator: Tom Williams
Employee Group: International Association of Fire Fighters (IAFF) Local 1699
 - 2. CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(a)
Santos, et al. v. City of Milpitas, Santa Clara County Superior Court case no. 1-12-CV-236170
- 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 Gomez)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – April 1, 2014**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS – April and May 2014**
- VIII. PRESENTATION – Recognizing 60th Anniversary sponsor(s)**
- 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 item not listed on the agenda, 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 place the item on a future meeting agenda.

- 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 a Public Hearing to Consider Introducing Ordinance No. 38.815 for a Zoning Text Amendment to Off-Street Parking Standards to Require Covered Parking for Single-Family/Duplexes Residential Uses and to Modify the Standard Commercial/Industrial Parking Lot Drive Aisle width from 25 Feet to 24 Feet (Staff Contact: Scott Ruhland, 408-586-3274)**

XV. UNFINISHED BUSINESS

2. **Receive Water Supply Report, Deny Approval of Santa Clara Valley Water District's (SCVWD) Reduced Water Supply Schedule, Deny Temporary Water Supply to SCVWD Untreated Water Supply Customers, and Authorize the Public Works Director to Use Alternate Water Supply Including Groundwater and San Francisco Public Utility Commission Water Supply as Needed (Staff Contact: Steven Machida, 408-586-3355)**

XVI. COMMISSION REPORTS

Bicycle Pedestrian Advisory Commission

- * 3. **Approve the Bicycle Pedestrian Advisory Commission 2014 Work Plan (Staff Contact: Steven Chan, 408-586-3324)**

Telecommunications Commission

4. **Receive Report and Adopt the Updated Telecommunications Master Plan 2014-15 (Staff Contact: Mike Luu, 408-586-2706)**

XVII. NEW BUSINESS

- * 5. **Accept the 2014 Citizen Options for Public Safety Grant (Staff Contact: Charlotte Pang, 408-586-2432)**
- * 6. **Accept a Regional Assistance to Firefighters Grant to be Allocated for Updating Fire Department Apparatus Radio System (Staff Contact: Robert Mihovich, 408-586-2811)**
7. **Consider Reorganization or Dissolution of the Public Art Committee, or Consolidation with the Arts Commission (Staff Contact: Renee Lorentzen, 408-586-3409)**
8. **Receive Construction Progress Report on the Bay Area Rapid Transit Extension Project (Staff Contact: Jeff Moneda, 408-586-3345)**
9. **Direct Staff to Budget for Implementation of the City's Long-Term Trash Load Reduction Plan to achieve 70% Reduction by July 2017 and "No Visual Impact Equivalent" (formally 100% Reduction) by July 2022 (Staff Contact: Steven Machida, 408-586-3355)**
10. **Review the Draft 2014-2019 Capital Improvement Program and Provide Staff with Direction and Comments (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 11. **Approve Letter for Mayor's Signature Supporting Assembly Bill No. 1799, Land Use: Mitigation Lands (Staff Contact: Steven McHarris, 408-586-3273)**

XVIII. ORDINANCE

- * 12. **Waive the Second Reading and Adopt Ordinance No. 38.814 Creating a New Planned Development Zoning District and Accompanying Language in the City's Zoning Ordinance (Staff Contact: Scott Ruhland, 408-586-3274)**

XIX. RESOLUTIONS

- * 13. **Adopt a Resolution Requesting the Allocation of Transportation Development Act Article 3 Funds for the 2015 Street Resurfacing Project (Staff Contact: Steven Chan, 408-586-3324)**
- * 14. **Adopt a Resolution of Support for Senate Bill 1345 Relating to State Oversight of San Francisco's Water System Improvement Program (Staff Contact: Steven Machida, 408-586-3355)**

XX. AGREEMENTS & BIDS

- * 15. **Approve Amendment No. 3 to the Cooperative Agreement with the State of California Department of Transportation to Provide Surveying Services and Right- of-Way Closeout for I-880/Tasman Drive, and I-880/SR-237, Project No. 4174 (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 16. **Approve a Consultant Agreement with HydroScience Engineers, Inc. for a Blending Study of City Water Wells, In An Amount Not To Exceed \$33,020, Project No. 7076 and Project No. 7120 (Staff Contact: Steven Machida, 408-586-3355)**
- * 17. **Approve the Ninth Amendment to Agreement with Hopkins & Carley for Legal Services (Staff Contact: Mike Ogaz, 408-586-3040)**
- * 18. **Authorize the Purchase of Fire Hoses, Nozzles and Fittings for \$61,534.60 from L.N. Curtis and Sons (Staff Contact: Chris Schroeder, 408-586-3161)**
- * 19. **Authorize the Purchase of LED Retrofit Street Light Fixtures for \$114,187.50 from LeoTek Electronics Doing Business as LeoTek Electronics, USA Corp. (Staff Contact: Chris Schroeder, 408-586-3161)**

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MAY 6, 2014 AT 7:00 P.M.**

**MILPITAS CITY COUNCIL BUDGET HEARING
TUESDAY, MAY 13, 2014 AT 6:00 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 / 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 SERVE ON A CITY COMMISSION

Current vacancy on:
Bicycle Pedestrian Advisory 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 City Council Chambers for all meetings.

AGENDA REPORTS

XIV. PUBLIC HEARINGS

1. **Conduct a Public Hearing and Introduce Ordinance No. 38.815 for a Zoning Text Amendment to Off-Street Parking Standards to Require Covered Parking for Single-Family/Duplexes Residential Uses and Modify Standard Commercial/Industrial Parking Lot Drive Aisle Width from 25 to 24 Feet (Staff Contact: Scott Ruhland, 408-586-3274)**

Background: On April 7, 2009, City Council adopted Ordinance No. 38.785, specifically amending parking regulations regarding the amount of parking required for certain uses, parking design standards and formatting changes to the various parking provisions. Ordinance No. 38.785 did not address covered parking for single-family/duplex residential uses, nor did it affect the parking lot drive aisle width of 25 feet.

More recently, staff received a number of permit applications for garage conversions to living space in single-family residential neighborhoods. According to data from the City's permit database, there were 27 approved garage conversions from 2012 through 2014, which is an increase from previous years. This increase in garage conversions displaces vehicles to driveways, which in turn displaces more vehicles onto the public street. This displacement of vehicles is creating a parking shortage in that there is an overcrowding of vehicles parked on the public street. This also compromises street sweeping and emergency vehicle access. The Neighborhood Services Division and Police Department also get multiple calls regarding lack of available street parking in residential neighborhoods. This proposed amendment to the parking ordinance will require covered parking for single-family residential homes to help ensure there is adequate on-street parking.

Currently, all cities in Santa Clara County require covered parking for single-family homes except Milpitas. All cities in San Mateo County also require covered parking for single-family homes. Additionally, the cities of Fremont, Hayward, Union City, San Leandro, Dublin, Emeryville, Newark and Pleasanton in Alameda County require covered parking for single-family homes.

The proposed zoning amendment will also modify the standard commercial and industrial parking lot and parking structure drive aisle width from 25-feet to 24-feet. Currently, the cities of Mountain View, Fremont, Sunnyvale, Alameda, Dublin, Livermore, Burlingame, Daly City, Foster City, Millbrae, Redwood City, and San Bruno standard drive aisle width is 24-feet for 90 degree parking spots. Conventional traffic engineering standards also recommend 24-feet. Hence, staff is proposing an amendment to ensure regional consistency to better accommodate infill development.

Planning Commission Action

These proposed amendments were considered by the Planning Commission at a public hearing held March 12, 2014. Commissioners voted 7-0 to recommend modifying the standard commercial and industrial parking lot and parking structure drive aisle width from 25-feet to 24-feet. However, the motion to recommend required covered parking for single-family/duplex uses failed on a 2-5 vote.

Project Description

Table 53.09-1 of the Zoning Ordinance sets forth the number of parking spaces required for different uses in the City. Currently, two parking spaces are required for single-family homes/duplexes with three bedrooms or fewer and three parking spaces are required for single-family homes/duplexes with four bedrooms or more (plus one additional space for each additional bedroom). The proposed amendment will amend Table 53.09-1 of the Zoning Ordinance and require two covered parking spaces for single-family residential homes/duplexes.

However, the proposed amendment will not change the number of parking spaces required for single-family homes/duplexes but only require that two of them be covered.

Table 53.13-1 of the Zoning Ordinance sets forth the standards for parking stall and drive aisle dimensions. Currently, the standard aisle width between parking spaces is 25-feet. The proposed zoning amendment would amend Table 53.13-1 to modify the standard parking lot and structure drive aisle width from 25-feet to 24-feet.

The proposed covered parking standard will apply to (i) new single-family homes and duplexes; (ii) future application requests for garage conversions after the effective date of the proposed ordinance; and (iii) or future remodeling projects that add bedrooms to existing single-family homes and duplexes. Existing garage conversions will be permitted to remain without the requirement of providing covered parking.

California Environmental Quality Act (CEQA)

This project is categorically exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the proposed zoning amendment have no potential to cause a significant effect on the environment. Staff has determined that amending the Zoning Ordinance to require covered parking for properties located in the residential districts and modifying the standard parking lot and structure drive aisle width from 25-feet to 24-feet has no potential to cause a significant effect on the environment. These are considered policy amendments and will not have a significant effect on the environment, but rather they will provide beneficial impacts by promoting neighborhood beautification and accommodating infill development.

Fiscal Impact: None

Recommendations:

1. Open the public hearing to receive comments.
2. Move to close the public hearing after any comments.
3. Following a reading of the title by the City Attorney, move to waive the first reading of the Ordinance No. 38.815 beyond the title.
4. Move to introduce Ordinance No. 38.815 relating to covered parking requirements for single-family homes/duplexes and reducing parking aisle width requirements for commercial and industrial uses.

XV. UNFINISHED BUSINESS

- 2. Receive Water Supply Report, Deny Approval of Santa Clara Valley Water District's (SCVWD) Reduced Water Supply Schedule, Deny Temporary Water Supply to SCVWD Untreated Water Supply Customers, and Authorize the Public Works Director to Use Alternate Water Supply Including Groundwater and San Francisco Public Utility Commission Water Supply as Needed (Staff Contact: Steven Machida, 408-586-3355)**

Background: At the March 18, 2014 Council meeting, staff informed Council that the Santa Clara Valley Water District (SCVWD) and San Francisco Public Utilities Commission (SFPUC) declared a 20% mandatory and 10% voluntary water conservation program, respectively. Staff learned the following new information:

- The 20% water conservation target may not be enough to ensure continuous water supply in the SCVWD service area during the peak months of August, September, and October.
- SCVWD has requested all water retailers, including Milpitas, to procure an alternate water supply such as local groundwater or treated water from SFPUC. A reduced SCVWD water delivery schedule has been submitted to Milpitas, for signature, and is included in the Council packet.
- SCVWD has notified 72 Santa Clara County untreated water customers, primarily agricultural users and golf courses, that their water supply will cease effective May 1.

This notice is also included in the Council packet. This action will free up additional water supply for potable consumption. This notice affects two golf courses, two agricultural users, and a rock quarry in the Milpitas hillside. The two golf courses are within the Milpitas City limits and could be served by potable water, while the two agricultural uses and rock quarry are outside City limits. One golf course has requested a temporary connection to the Milpitas water supply.

Staff evaluated three water supply alternatives: 1) use Pinewood Well; 2) increase SFPUC supply; and 3) reduce demand through water conservation. Most likely, a combination of two or all three alternatives will be necessary to maintain water supply through summer and fall months.

1) Pinewood Well: The City owns Pinewood Well which meets all drinking water standards. The City last introduced Pinewood Well water into the public drinking water supply in 1991 for a three week test period during the previous drought. Customers were not pleased, as the well water was much harder than their normal SFPUC supply. Pinewood Well capacity is approximately 1 million gallons per day (MGD), which is equivalent to about 33% of the average SCVWD supply. Due to changes in state law, the well is now required to have disinfection capability. Although chlorination facilities exist at the site, ammonia facilities are also required. In addition, these disinfection facilities will require an Amendment to the City's Water Supply Permit. Staff is completing the installation of the ammonia facilities and will apply for the Permit Amendment. At this time, it is unknown whether these activities will be completed prior to August 1.

2) San Francisco Public Utilities Commission: The second alternative is to purchase more SFPUC water supply, which will require a confirmation of water availability, considering SFPUC has declared a voluntary 10% reduction. Regardless, SFPUC water is more expensive and would cost the City an additional estimated \$325,000 to replace 20% of the SCVWD supply. An initial dialogue has started with SFPUC through the Bay Area Water Supply and Conservation Agency (BAWSCA). In addition, staff requested that SCVWD procure additional SFPUC supply for the South Bay rather than having each retailer work with SFPUC for an increase in water supply.

3) Conservation: The third alternative is to employ a strict conservation program, thereby eliminating/minimizing the need for an alternate water supply. SCVWD's water supply plan is contingent upon each retailer's ability to achieve a 20% reduction, starting February 25, 2014. The City's Urban Water Management Plan identifies various conservation program targets and measures to achieve the desired results. The City has been at Stage O since 1994 which prohibits the following uses of potable water:

- Use that results in flooding or runoff in gutters, waterways, patios, sidewalks, driveways or streets.
- Use without a shutoff nozzle on the outlet end of the hose for washing cars, boats, trailers, hard-surfaced areas such as structures, sidewalks, and driveways, and hand-watering of landscape areas.
- Service of water by any restaurant except upon the request of a customer.
- Use through broken or defective plumbing or irrigation system.

A more rigorous conservation program would likely include: no new swimming pool permits, no use of potable water for dust control at construction sites, no hydrant flushing except for health and safety, and minimal irrigation use. Approval of new large water users may be contingent upon available supply from the wholesalers.

During a water supply emergency from one of the wholesalers, the City's planned primary response is to use more water supply from the other wholesaler. In order to use SFPUC water supply in the SCVWD service area, the City would need to introduce SFPUC water into the SCVWD water reservoir and pump it out or temporarily adjust the service area boundaries.

Periodically operating the Pinewood Well provides valuable hands-on experience and helps the City's water operators prepare for a future water supply interruption due to a natural disaster, such as an earthquake. The Pinewood Well is located in the SFPUC service area. Starting up the well does not immediately improve water supply in the SCVWD service area. Staff is investigating temporarily adjusting the service area boundaries and/or allowing the water supplies to mix. Any change in water supply will require notification to the community due to constituent differences, such as fluoride. Water conservation is more easily achieved in older homes and businesses with outdated water fixtures. Most of the homes in the SCVWD service area are fairly new with low-flow water saving fixtures and minimal outdoor use.

Total usage in the SCVWD service area is already 17% lower than 2008 levels due to the economic downturn as many of the buildings are vacant. Most of the recycled water irrigation customers are located in the SCVWD service area. The City's water demand will increase during the next several months as new home construction continues. Adding new temporary large water users, such as golf courses, would also increase the City's water demand, offsetting conservation efforts. In addition, hydraulic model analysis is required to verify sufficient pipeline capacity. It is unlikely that an additional 20% savings can be achieved through conservation and alternate water supply is necessary.

The City and SCVWD signed an agreement on September 4, 1984 relating to the supply of treated water. SCVWD has provided written notice to City under the agreement that it will reduce the water supply to Milpitas by twenty percent. Additionally, SCVWD has requested the City sign a revised water delivery schedule to reduce the scheduled water delivery to Milpitas by twenty percent.

Staff recommends that Council not approve the reduced water delivery schedule, not approve temporary supply to the SCVWD untreated customers, and to authorize the Public Works Director to use groundwater and/or additional SFPUC water supply as needed.

California Environmental Quality Act (CEQA): The ordinance is exempt from CEQA as there will be no physical change to the environment.

Fiscal Impact: Operating the Pinewood Well will increase operational costs for utilities and staffing. Purchasing additional water supply from SFPUC will increase the City's expenses and show an increase in SFPUC water usage. A rigorous conservation program would include additional outreach and customer service staffing.

Recommendations:

1. Receive the water supply report.
2. Deny the request of Santa Clara Valley Water District for the City to execute a Reduced Water Supply schedule.
3. Deny temporary water supply to SCVWD Untreated Water Supply customers.
4. Authorize the Public Works Director to use alternate water supply including groundwater and San Francisco Public Utility Commission Water Supply, as needed.

XVI. COMMISSION REPORTS

Bicycle Pedestrian Advisory Commission

- * 3. **Approve the Bicycle Pedestrian Advisory Commission 2014 Work Plan (Staff Contact: Steven Chan, 408-586-3324)**

Background: On March 6, 2014, the Bicycle Pedestrian Advisory Commissioners met and approved their 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.

Recommendation: Approve the Bicycle Pedestrian Advisory Commission 2014 Work Plan.

Telecommunications Commission

4. **Receive Report and Adopt the Updated Telecommunications Master Plan 2014-15 (Staff Contact: Mike Luu, 408-586-2706)**

Background: The City's Telecommunications Commission has included minor updates and changes to the City's Telecommunications Master Plan document. The City Council formally accepted a fully revised Master Plan in February 2012. This revised edition focuses on the implementation and coordination of technology projects that will benefit the City organization, its operations and the Milpitas community.

Fiscal Impact: None.

Recommendation: Receive the Telecommunications Commission report and adopt the updated 2014-15 Telecommunications Master Plan.

XVII. NEW BUSINESS

- * 5. **Accept the 2014 Citizen Options for Public Safety Grant (Staff Contact: Charlotte Pang, 408-586-2432)**

Background: The California State Legislature awarded \$108,325 to the City of Milpitas through the Citizen Options for Public Safety (COPS) Grant, authorized by Government Code sections 30061-30063. No City matching funds are required. Government Code section 30062 specifies that these funds must be used exclusively for front line law enforcement services. These funds shall be appropriated pursuant to a written request from the Chief of Police. The Milpitas Police Department recommends the following list of front line municipal police services, or equivalent, to be purchased with the 2014 COPS Grant monies for Fiscal Year 2014:

1. Firearms and Accessories
2. Investigations software and equipment
3. K9 and K9 training
4. Patrol bicycles & equipment
5. Mobile command center for patrol vehicle
6. IFAKs (Individual First Aid Kits)

Fiscal Impact: None. The 2014 Citizen Options for Public Safety (COPS) Grant of \$108,325 will fully cover the cost for the frontline services listed.

Recommendations:

1. Accept the 2014 Citizen Options for Public Safety (COPS) Grant in the amount of \$108,325.00.
2. Approve a budget appropriation in the amount of \$108,325.00 to the Police Department's operating budget.

- * 6. **Accept a Regional Assistance to Firefighters Grant to be Allocated for Updating Fire Department Apparatus Radio System (Staff Contact: Robert Mihovich, 408-586-2811)**

Background: In September of 2011, the Sunnyvale Department of Public Safety submitted an Assistance to Firefighters Grant (AFG) application requesting funds for new radio equipment (portable and mobile) for fire departments throughout Santa Clara County. The grant request was approved in January 2012 and the radios were procured through a competitive bid process by the City of Sunnyvale.

The grant program was broken down into two phases. In 2013, portable radios were received as a part of Phase I. Now Phase II is due with implementation of new radios in all mobile (apparatus) units. The acquisition and installation of the mobile apparatus radios will significantly enhance the fire departments ability to communicate with mutual aid resources in addition to allowing for future expansion of the Santa Clara County Communications Network. The technology of the current mobile radios is antiquated and reached the end of its useful, expected life. Furthermore, it has become increasingly difficult to repair the current radio technology due to their age and the fact that the radio vendors no longer supply replacement parts.

Milpitas Fire will purchase 22 mobile radio units at a cost of \$122,352. The AFG pays for 80% of this, leaving Milpitas Fire a remaining balance of \$24,470. An additional \$6,572 is needed for installation and programming costs (not included in the grant funding), for a total cost to the Milpitas Fire Department of \$31,042.

Fiscal Impact: The Assistance to Firefighters Grant is an 80/20 sharing grant with a total project cost of \$122,352, of which \$97,882 is federal dollars and \$24,470 is the local cost match. Funds are available in the Fire Department operating budget for the local cost match of \$24,470 and an additional \$6,572 for installation and programming costs.

Recommendation: Accept the Assistance to Firefighters Grant and appropriate grant funding totaling \$122,352 (federal share) for the purchase of 22 mobile radio units.

7. Consider Reorganization or Dissolution of the Public Art Committee, or Consolidation with the Arts Commission (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: Recently, Milpitas Alliance for the Arts dissolved itself as an organization and donated remaining funds under its control to the City. Milpitas Municipal Code Section V-20-410 provides that the Public Art Committee will be comprised of members of the Milpitas Arts Commission and the Milpitas Alliance for the Arts. Since the latter group is no longer in existence, reorganization or other action needs to be taken. The Milpitas Arts Commission and Public Art Committee voted at their respective June 17, 2013 meetings to recommend merging the Public Art Committee and the Arts Commission into one Commission, taking over the combined duties of both bodies. However, that recommendation was made before the Alliance for the Arts dissolved itself. Council is now asked to provide direction on whether it chooses to merge the two remaining bodies as recommended or take other action. This is a discussion item only. Changes to the Code and Bylaws will be brought back for Council approval based upon direction given to staff.

Fiscal Impact: None.

Recommendation: Provide direction to staff as to the preferred organization and duties of the Public Art Committee and the Arts Commission.

8. Receive Construction Progress Report on the Bay Area Rapid Transit Extension Project (Staff Contact: Jeff Moneda, 408-586-3345)

Background: The Program Manager from Santa Clara Valley Transportation Authority (VTA) will present a report on the progress of construction for the Silicon Valley Bay Area Rapid Transit (BART) Extension project, the 10-mile extension from the Warm Springs station in Fremont, to the Milpitas station to be located near the Great Mall, and then on to the Berryessa station to be constructed in San Jose. The project is now well into the second year of the four-year major construction phase. Construction activities include relocating municipal utilities, constructing street improvements, constructing the rail extension, and building the stations and campuses. This presentation will include a brief overall Project Overview as well as a plan to temporarily close Dixon Landing Road from Milmont Avenue to just east of the UPRR tracks. VTA has conducted outreach with the residents and businesses in the vicinity of the Dixon

Landing Road project area. The temporary closure will last from approximately May 1, 2014 through December 31, 2014 and will reduce the overall impact to the community as well as provide for enhanced emergency response. If there is no City Council opposition, it is anticipated that the temporary closure of Dixon Landing Road will reduce the work duration for the area from approximately 16 months to approximately eight months.

Fiscal Impact: None.

Recommendation: Receive report from Santa Clara Valley Transportation Authority staff at the City Council meeting on an update of the Bay Area Rapid Transit (BART) Extension Project.

9. Direct Staff to Budget for Implementation of the City’s Long-Term Trash Load Reduction Plan to achieve 70% Reduction by July 2017 and “No Visual Impact Equivalent” (formally 100% Reduction) by July 2022 (Staff Contact: Steven Machida, 408-586-3355)

Background: Trash is a serious threat to aquatic life in creeks and oceans and can pose a threat to wildlife and watersheds. To protect and conserve the environment, over 70 municipalities that discharge rainwater to the San Francisco Bay were required to submit a short-term trash load reduction plan to the San Francisco Bay Regional Water Quality Control Board (Water Board) by February 1, 2012. The short-term plan has been implemented and is discussed in section 2.0 of the Long-Term Trash Load Reduction Plan (Plan) that was submitted to the Water Board on February 1, 2014 and is included in the agenda packet.

The Municipal Regional Stormwater NPDES Permit issued by the California Regional Water Quality Control Board on October 14, 2009 (Order R2-2009-0074) mandates by State law that jurisdictions operate by the terms of this permit to reduce trash impacts associated with Municipal Separate Storm Sewer discharges.

Provision C.10.a.i of the Municipal Regional Stormwater Non-Point Discharge Elimination System Permit (MRP) requires permittees to demonstrate implementation of control measures and other jurisdiction-wide activities that reduce trash loads from the municipal storm drain system by 40% by 2014 (short term), 70% by 2017, and to a “No Visual Impact Equivalent” standard by 2022 (long term). To establish a baseline, Bay Area municipalities (Permittees) were also required to develop an estimate of the amount of trash discharged from its stormwater conveyance system circa 2011, and develop an implementation trash load reduction tracking method that will be used to account for trash load reduction actions and to demonstrate progress and attainment of trash load reduction targets. In addition, the Water Board listed 24 tributaries, to the San Francisco Bay, as being impaired due to trash. One of these is Coyote Creek that travels at the west border of Milpitas from San Jose and into the Bay.

The ultimate goal of stormwater trash management in the Bay Area is to significantly reduce the amount of trash found in receiving waters to a level where no adverse impacts are occurring. In the last decade, Permittees and civic volunteers have collected data on the amounts of trash removed during cleanup events in local creeks, rivers and shorelines. More recently, Permittees have conducted trash assessments on receiving waters (i.e., at creek and shoreline “hotspots”) using standardized assessment methods developed by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Permittees will continue to conduct annual receiving water condition assessments using the SCVURPPP trash hot spot assessment guidance and tracking procedures and forms (included in the agenda packet) in efforts to reduce the adverse impacts to receiving waters.

Staff submitted a long-term plan which responds to the required trash load reductions over the next eight years. The Water Board has decided not to give percentage reduction “credit” for adopting control measures and the actions taken to reduce trash in waterways. Rather, progress toward success will be based on a jurisdiction’s ability to address specific problems in its “high” and “medium” trash-generating areas, in conjunction with assessments and refinement of control

measures as needed to ensure success. Control measures need not be implemented in a city’s low litter-generating area. Jurisdiction-wide efforts, such as public education and adopting ordinances that limit the broad distribution of materials that are particularly harmful to water quality will be considered to address a city’s low litter-generating areas.

The Plan outlines actions in the City’s 20 trash management areas (TMAs). TMAs are delineated to combine areas with similar trash source problems, management actions and time required for implementation. The City’s budget will be impacted gradually over the next eight years and into the future to pay for control measures, public information and outreach, and annual assessments and evaluations.

Summary of Trash Generating Areas and Sources (percentage of areas assigned to each trash generation category).

Trash Generation Category	Jurisdictional Area (Acres)	Commercial and Services	Industrial	Residential	Retail	K-12 Schools	Urban Parks	Other
Very High	2.0	0.0	0.0	0.0	0.0	0.0	0.0	100%
High	43.8	0.0	0.0	0.0	38.8%	0.0	0.0	61.2%
Medium/High	43.8	0.0	0.0	88.9%	8.8%	0.5%	0.8%	1.0%
Medium	2,812.1	38.3%	34.6%	3.7%	9.3%	8.5%	5.7%	0.1%
Low/Medium	190.3	7.9%	0.4%	1.5%	89.8%	0.0	0.0	0.5%
Low	5,065.2	0.3%	0.0	55.8%	0.2%	0.0	0.2%	43.5%

An example of how to interpret the Milpitas data:

- Read table from left to right (not top to bottom); percentages relate to the acreage.
- Of the two high and medium / high trash generation categories (coincidentally, each is 43.8 acres), 88.9% predominately consist of multi-family housing. In the high category, almost 40% is retail and in the medium / high category, 8.8% is retail.
- Of the low category (the largest area with 5,062 acres), 55.8% consists of single family housing.

The City’s Plan, including the Assessment Strategy, is expected to be revised annually based on assessments, staff observations, development within the City and indicators of what is and is not working effectively to accomplish trash reduction goals. All potential changes would be detailed in the City’s annual report. It is anticipated that the Water Board would accept a revised plan as long as it demonstrates the City’s progress towards litter and other trash reduction according to the intended timeline for achievement.

Water Board members and staff have conveyed that innovative and realistic efforts to solve litter problems will be recognized as good-faith efforts. This would be the case even if a “pilot” effort does not produce intended results, as long as the outcomes are evaluated and a new plan of action is implemented, and “lessons learned” are incorporated. City staff has selected proven litter control measures such as installation of a trash capture device for trash removal at the Wrigley-Ford Pump Station, increased code enforcement, and enhanced street sweeping. Other management actions were considered but they were not pursued since the outcomes are uncertain (e.g. activities to reduce trash from uncovered loads).

The Plan included in the agenda packet includes an outline of proposed and planned activities to ensure the City meets the State’s trash load and litter reduction requirements:

- Trash Management Areas (TMAs) within the City are divided into 20 sections. Each section contains a specific use and may be further delineated to create manageable

sections to provide outreach to businesses, property owners, and/or multi-family residents. Each section includes pre and post visual assessments of enacted control measures annually in July-August. TMAs are also grouped and staggered from FY2014-15 through FY 2021-22 for specific focus of control measures. The types of control measures currently being implemented are:

Anti-littering and Illegal Dumping Enforcement Activities (includes first site assessments of 20 TMAs in May 2013 and then occurring annually in July-August through 2022)

Full Capture Treatment Device Installed at Wrigley-Ford Pump Station

Enhanced Street Sweeping

Enhanced Private / Public Container Management

On-Land Trash Pickup (limited areas)

Creek Cleanups

The types of control measures planned for all management areas are:

- Participation in a California Department of Resources Recycling and Recovery (CalRecycle) competitive grant. A three-year public information campaign on proper handling of used motor oil, a tie-in to expand a County of Santa Clara / City of San Jose campaign. The City submitted a grant application authorization letter to the County of Santa Clara and will update grant status in the FY2013-14 Annual Report.
- Annual citywide visual assessments with code enforcement follow-up each July-August.
- Possible increase in street sweeping enforcement, including increase from residential bi-weekly to commercial weekly sweeping schedules along major streets.
- Possible re-introduction of a Single-use Carry Out Bag Ordinance or implementation of a State legislation.
- Possible introduction of a Polystyrene Foam Food Service Ware Ordinance and recommendation that the City ban the use of consumer polystyrene products (plates and cups) and plastic utensils at City events.
- Targeted public information and online outreach to residents and people working in Milpitas, including printed and electronic information of best management practices for businesses.
- Increased information and annual newsletters to residents about removing cars on street sweeping service days, proper use of yard trimmings recycling carts, and how everyone can reduce litter impacts.

The Plan details the City's strategy to attain the trash load reduction targets by July 2017 and July 2022. The Water Board will be reviewing the City's progress through Annual Reports. The Plan included in the agenda packet details control measures implemented to date and planned future measures.

The City will not be able to accomplish compliance with the Water Board's mandate for litter and trash reduction, over the next eight years, without increased public awareness and support from Milpitas residents, businesses, churches and schools. Staff will continue to explore litter and trash reduction options based upon cost-effectiveness, feasibility of implementation and benefit toward achieving the maximum litter and trash reduction by the City.

California Environmental Quality Act (CEQA): The Long-Term Trash Load Reduction Plan is exempt from CEQA under CEQA Guidelines Sections 15307 and 15308 as actions taken to assure the maintenance, restoration, enhancement, or protection of the environment.

Fiscal Impact: Fiscal impact will depend on the litter control and management actions selected by the City. For FY 2014-15, staff proposed:

- \$8,500 for increased code enforcement support during July and August to begin pre and post visual assessments of enacted control measures
- \$25,000 to conduct online advertising outreach to residents and people working in Milpitas.

Recommendation: Direct staff to include \$8,500 for increased code enforcement and \$25,000 for an online advertising campaign in the FY 2014-15 proposed budget to begin implementation of the City's Long-Term Trash Load Reduction Plan.

10. Review the Draft 2014-2019 Capital Improvement Program and Provide Staff with Direction and Comments (Staff Contact: Jeff Moneda, 408-586-3345)

Background: The Draft 2014-2019 Capital Improvement Program (CIP) document was prepared by staff and a copy is included with the Council agenda packet. Projects are arranged into six main categories: Community Improvements, Parks, Streets, Water, Sewer, and Storm Drain. The document includes a summary by categories and individual proposed project descriptions. Previously funded projects are also summarized. The value of all Capital projects proposed to be budgeted in fiscal year 2014-15 is \$15,940,448.

The Parks, Recreation and Cultural Resources Commission reviewed the Parks projects on March 3, 2014 and recommend these for approval. The City Council's Finance Subcommittee reviewed the Draft 2014-2019 CIP on January 14, 2014, and recommended it for approval. On March 26, 2014, the Planning Commission reviewed the Draft 2014-2019 CIP and found it to be in conformance with the General Plan.

A staff presentation of the draft CIP highlights will be provided at the Council meeting. Based upon Council direction, the Draft CIP will be revised and prepared as the Preliminary CIP document. The preliminary CIP will then be presented to Council at the May 13, 2014 budget hearing for approval.

Fiscal Impact: None.

Recommendation: Review the Draft 2014-2019 Capital Improvement Program (CIP) and provide staff with direction and comments.

*** 11. Approve Letter for Mayor's Signature Supporting Assembly Bill No. 1799, Land Use: Mitigation Lands (Staff Contact: Steven McHarris, 408-586-3273)**

Background: Assembly Bill No. 1799 would eliminate the requirement of an endowment or other financial mechanism for long-term stewardship of mitigation property, and replace that requirement with more flexible alternatives to finance mitigation obligations. Specifically, a governmental entity such as a city would be exempted from providing an endowment or other funding instrument for long-term stewardship if two requirements are met: 1) the entity must demonstrate financial reliability through possession of an investment-grade credit rating and 2) the entity must provide either a resolution adopted by its legislative body or a contractual agreement with the permitting agency enforcing the mitigation requirements. Assemblymember Richard Gordon is the author of AB 1799, and as the sponsor, the Santa Clara Valley Water District (SCVWD) has requested that the City support the bill. In recognition of the flexibility that AB 1799 would provide to public agencies that must finance mitigation obligations, staff recommends support of the legislation.

As part of a proposed project, public entities must often obtain a permit from a state regulatory agency prior to commencing work in sensitive environments such as streams, wetlands, or habitat occupied by protected species. In those situations where environmental impacts remain after all

other steps have been taken to avoid or minimize impacts resulting from the project, the permitting agency requires the public entity to offset those remaining impacts by providing “compensatory mitigation” that, as its name implies, compensates for those impacts by replacing and/or restoring the impacted natural resources. These compensatory mitigation properties then must be maintained and managed in perpetuity.

Current law allows a permitting agency to identify how the long-term maintenance and management, or stewardship, of the property will be funded. One such way is by requiring the establishment of an endowment, where the permittee must set aside a substantial amount of public funds and use the interest earned on it to pay for the long-term maintenance and management of the mitigation site. To generate the interest required for stewardship efforts, endowment funds must be substantially greater than the actual cost of the annual stewardship efforts. In addition, endowment funds are permanently restricted for this purpose and cannot be used for anything else, regardless of circumstances. When taxpayer funding is permanently tied up in this manner, a public entity’s ability to fund other projects and carry out its work is negatively impacted, as funds are diverted to endowments and permanently unavailable for other, critical public projects.

AB 1799 would exempt public entities from having to provide endowments or other funding instruments for the long-term stewardship of mitigation properties, provided certain requirements are met. Specifically, the entity would need to demonstrate financial reliability through the possession of an investment-grade credit rating by a nationally recognized statistical rating organization. It would also need to provide a resolution to fund the long-term stewardship of the property that is adopted by the board or legislative body of the governmental entity or special district, or a contractual agreement with the regulatory agency that is enforcing the mitigation requirements to fund the long-term stewardship of the property. By demonstrating strong financial reliability and a binding commitment to fund the maintenance requirements in perpetuity, a public entity would prove to a permitting agency that there is no need for an endowment or other funding instrument for long-term stewardship of its mitigation property.

This bill is being sponsored partly in response to a recent situation affecting the SCVWD in which a permitting agency is requesting that the SCVWD establish an endowment for the renewal of an existing permit. While other financial instruments are available and can be used, the permitting agency has effectively dismissed all other options in lieu of requiring an endowment. SCVWD already has purchased substantial compensatory mitigation property and developed a comprehensive plan to maintain and manage it, and is seriously concerned about the permitting agency’s request that it set aside millions of dollars in an endowment that cannot be used for other purposes. SCVWD and other agencies throughout California are increasingly concerned about the multiplicative effect of each agency being forced to set up numerous endowments for their respective projects, locking up more and more taxpayer funds that would be unavailable for other, critical public projects.

Analysis

While the City has not yet had to purchase mitigation property and therefore has not been subject to establishing a permanent endowment for the long-term stewardship of a mitigation property, AB 1799 would provide significant protection from a future situation in which it would be required to do so. Staff also notes that this bill does not reduce or eliminate a public entity’s obligation to provide mitigation; rather, it simply allows public entities more flexibility for financing its mitigation obligations. If enacted into law, the provisions of the bill would provide this flexibility and prevent City funds from being permanently restricted and therefore unavailable to address other priority needs of the City. Finally, AB 1799 would have an indirect benefit of enhancing our local economy, because funds that might otherwise have been permanently restricted would be available to create jobs and complete critical public projects in the City.

Recommendation: Approve a letter for the Mayor's signature in support of Assembly Bill 1799, Land Use: Mitigation Lands.

XVIII. ORDINANCE

- * 12. **Waive the Second Reading and Adopt Ordinance No. 38.814 Creating a New Planned Development Zoning District and Accompanying Language in the City's Zoning Ordinance (Staff Contact: Scott Ruhland, 408-586-3274)**

Background: On April 1, 2014, the City Council introduced Ordinance 38.814 to amend the City's Zoning Ordinance to create a new Planned Development zoning district and accompanying language. Ordinance No. 38.814 is ready for a second reading and adoption.

Fiscal Impact: None.

Recommendation: Waive the second reading and adopt Ordinance No. 38.814 for Zoning Amendments to create a new Planned Development zoning district and accompanying language.

XIX. RESOLUTIONS

- * 13. **Adopt a Resolution Requesting the Allocation of Transportation Development Act Article 3 Funds for the 2015 Street Resurfacing Project (Staff Contact: Steven Chan, 408-586-3324)**

Background: The City of Milpitas receives guaranteed funding from the Transportation Development Act (TDA) Article 3 fund each year for pedestrian and bicycle improvement projects. The guaranteed funding is based on population; the 2014-15 funding for Milpitas is \$75,509.

The City of Milpitas will submit a grant proposal to the Santa Clara Valley Transportation Authority for release of this funding for the 2015 Street Resurfacing Project. The project will include the installation of Americans with Disability Act compliant pedestrian ramps. The locations of improvements will be determined later, during the design phase. As part of the grant requirement, the City Council is required to adopt a resolution and make certain findings to ensure the proposed project will be completed in a timely manner. A copy of the required findings is attached to the proposed resolution.

California Environmental Quality Act (CEQA): The 2015 Street Resurfacing Project is exempt under Section 15301 of the CEQA Guidelines since the grant funding will be used for improvements to existing highways and streets, sidewalks, or gutters.

Fiscal Impact: None.

Recommendation: Adopt a resolution requesting allocation of Transportation Development Act, Article 3 Funds for the 2015 Street Resurfacing Project.

- * 14. **Adopt a Resolution of Support for Senate Bill 1345 Relating to State Oversight of San Francisco's Water System Improvement Program (Staff Contact: Steven Machida, 408-586-3355)**

Background: On March 10, 2014, the City received a request from Nicole Sandkulla, CEO/ General Manager of the Bay Area Water Supply and Conservation Agency (BAWSCA), to send a letter of support to Senator Fran Pavley regarding Senate Bill 1345.

SB 1345, which was introduced by the Senate Committee on Natural Resources and Water, would extend the repeal date of the Wholesale Regional Water System Security and Reliability Act from January 1, 2015 to January 1, 2022. This extension would preserve the provision of

existing law requiring state oversight of the City and County of San Francisco's capital improvement program to restore and improve the San Francisco Regional Water System. This oversight has been extremely critical in ensuring the Water System Improvements Program (WSIP) projects are undertaken and completed in a timely manner. According to San Francisco, 25 of the 47 projects in its capital improvement program are complete as of this date, while the remaining 22 projects, including the very important new Calaveras Dam, are incomplete. The timely completion of these remaining WSIP projects is vitally important to the City of Milpitas residents and businesses since the City relies on the water for our community.

Fiscal Impact: None.

California Environmental Quality Act (CEQA): The letter is exempt from CEQA as there will be no physical change to the environment.

Recommendation: Adopt a Resolution of support for Senate Bill 1345 relating to state oversight of San Francisco's Water System Improvement Program (WSIP).

XX. AGREEMENTS & BIDS

- * 15. **Approve Amendment No. 3 to the Cooperative Agreement with the State of California Department of Transportation to Provide Surveying Services and Right- of-Way Closeout for I-880/Tasman Drive, and I-880/SR-237, Project No. 4174 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: On December 27, 2010, the City entered into a cooperative agreement with the State of California Department of Transportation in the amount of \$177,000 to provide professional surveying and right of way engineering services to close out the I-880/Tasman Drive and I-880/SR-237 Interchange projects. The cooperative agreement was amended on June 26, 2010 and again on December 30, 2013 to extend the time for completion of the work. An additional time extension is necessary to provide sufficient time to complete the necessary transfer documents. Therefore, staff now recommends that Amendment No. 3 to the Cooperative Agreement be approved, extending the completion date of the right-of-way closeout to June 30, 2016.

Fiscal Impact: None.

Recommendation: Approve Amendment No. 3 to the Cooperative Agreement with the State of California Department of Transportation, Project No. 4174, to extend the expiration date to June 30, 2016.

- * 16. **Approve a Consultant Agreement with HydroScience Engineers, Inc. for a Blending Study of City Water Wells, In An Amount Not To Exceed \$33,020, Project No. 7076 and Project No. 7120 (Staff Contact: Steven Machida, 408-586-3355)**

Background: HydroScience Engineers, Inc. (HSE) was selected to provide on-call services related to the City's potable and recycled water systems as part of a formal selection process in early September of 2013. Under this proposed agreement, HSE shall provide a technical memorandum for operating parameters under various scenarios of the City's two water wells. Pinewood Well has been maintained as emergency contingency due to past complaints of taste, odor and color related to hard water. Curtis Well (partially completed) has iron and manganese concerns and requires additional work to reduce the levels to within California Department of Public Health Regulations. The study will analyze various options of mixing the well water with the other 2 sources of water from San Francisco Public Utilities Commission and Santa Clara Valley Water District and treating the well water. The scope and fee for these services were negotiated to an amount not to exceed \$33,020 and HSE is qualified to provide these services.

California Environmental Quality Act: The Agreement is not a “Project” under CEQA since there will be no physical change to the environment by execution of the agreement for a study.

Fiscal Impact: None. There are sufficient funds in the projects.

Recommendation: Approve a consultant agreement with HydroScience Engineers, Inc. for a blending study of City water wells, in an amount not to exceed \$33,020.00 and for a term from April 15, 2014 to December 30, 2015, Projects No. 7076 and No. 7120.

* 17. **Approve the Ninth Amendment to Agreement with Hopkins & Carley for Legal Services (Staff Contact: Mike Ogaz, 408-586-3040)**

Background: The Hopkins & Carley law firm is defending the City in a lawsuit instituted by two firefighter applicants who were not hired in 2011. Additional funds are needed to defend the City on this suit.

Fiscal Impact: an appropriation in the amount of \$225,000.

Recommendation: Approve the Ninth Amendment to the agreement with Hopkins & Carley law firm in the amount of \$225,000.

* 18. **Authorize the Purchase of Fire Hoses, Nozzles and Fittings for \$61,534.60 from L.N. Curtis and Sons (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The City’s Purchasing Agent worked with Fire Department staff to develop an Invitation For Bid (IFB) #2065 soliciting Fire Hoses, Nozzles and Fittings for Fire Department. On February 22, 2014, the IFB was advertised in a local newspaper, on the City website and through the *Public Purchase* website. On March 7, 2014, five bidders responded and here is a summary of bids received:

Bidder	Bid Amount with tax and shipping-Items (1-7)	Bid Amount with tax for Bid Item (8)	Total Bid Amount for All Items Bid
Allstar Fire Equipment, Inc.	\$59,367.71	No Bid	\$59,367.71
<i>L.N. Curtis and Sons</i>	<i>\$60,429.70</i>	<i>\$1,104.90</i>	<i>\$61,534.60</i>
Municipal Emergency Services (MES)	\$62,694.81	\$1,122.30	\$62,807.11
Burton’s Fire, Inc.	\$76,294.69	No Bid	\$76,294.69
Mallory Safety & Supply, LLC	\$77,941.12	\$1,174.50	\$79,115.62

There were eight individual line items listed on the Bid Form. Items 1-4 consist of hoses and 5-8 are nozzles and fittings for the hoses. The IFB specified to bidders that the City reserves the right to award all items to one Bidder, or to award separate items or groups of items to various Bidders, or to increase or decrease the quantities of any item. As such, the Purchasing Agent recommends award of all items to the lowest responsive and responsible bid for all items to L.N. Curtis and Sons. Apparent lowest bidder Allstar Fire Equipment, Inc. only bid seven of the eight bid items. Furthermore, Fire Department staff determined that bid items 5 and 7 for the apparent low bidder did not comply with the IFB technical specifications and thus that bid was deemed non-responsive. There was no protest filed.

Fiscal Impact: None. 80% of this expenditure or \$49,227.68 is funded by a FEMA grant. The grant expired February 2, 2014 and a grant performance period extension to June 2, 2014 is pending FEMA approval. The balance of the purchase in the amount of \$12,306.92 will be funded from FY 2013-14 Fire Department operating budget.

Recommendations:

1. Authorize the purchase of fire hoses, nozzles and fittings in the total amount of \$61,534.60 from L.N. Curtis and Sons, subject to receiving FEMA grant funding in the amount of \$49,227.68. Purchase will not be completed unless FEMA approves the requested grant performance period extension allowing the purchase to be completed up to June 2, 2014.
2. Approve appropriation of \$49,227.68 into the Fire Department budget, subject to receiving FEMA grant funding.

*** 19. Authorize the Purchase of LED Retrofit Street Light Fixtures for \$114,187.50 from LeoTek Electronics Doing Business as LeoTek Electronics, USA Corp. (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The City's Purchasing Agent worked with the City's Traffic Engineer to develop an Invitation For Bid (IFB) #2066 soliciting 1,000 LED Retrofit Street Light Fixtures (500 in 70 watts High Pressure Sodium and 500 in 100 watts High Pressure Sodium). This purchase is a part of the CIP Pilot Program to convert street lighting to more energy efficient lighting. On February 28, 2014, IFB #2066 was advertised in the local newspaper, on the City website and through the *Public Purchase* website.

On March 26, 2014, five bidders responded to the IFB, with one including an alternate bid. Below is a summary of those bids:

Bidder	Total Bid Amount
LeoTek Electronics, USA Corp	\$114,187.50
LeoTek Electronics, USA Corp (alt)	\$114,731.25
JAM Services, Inc.	\$125,742.18
Globe Electric Co. Inc.	\$133,160.00
Grainger	\$232,066.31
Green Earth Energy Group	\$237,436.31

The apparent low bidder, LeoTek Electronics, USA Corp has provided street light fixtures for the City of Milpitas in the past, as well as for a host of other municipalities. Its bid included an alternate that would cost the city an additional \$500 but would provide varying wattage levels and light output as opposed to fixed wattage and output. Both bids were deemed the lowest responsible and responsive bids in sequential order. Of the two LeoTek bids, the City's Traffic Engineer deemed the IFB specified bid product to be the most suitable product to meet the City's needs. LeoTek Electronics, USA Corp is 100% wholly owned subsidiary of Lite-On Group headquartered in Taiwan. After posting the Notice of Intent to Award (Pending Bid Results), no protest was filed.

Fiscal Impact: None. This purchase will be paid from the FY 2013-14 Capital Improvement Program, CIP No. 4266 Street Light Improvement Program.

Recommendation: Authorize the purchase of 1,000 LED retrofit street lights in the total amount of \$114,187.50 from LeoTek Electronics USA LLC, a California Limited Liability Company doing business as LeoTek Electronics, USA Corp.

XXI. ADJOURNMENT

NEXT REGULARLY SCHEDULED COUNCIL MEETING: TUESDAY, MAY 6, 2014 AT 7:00 P.M.

MILPITAS CITY COUNCIL BUDGET HEARING: TUESDAY, MAY 13, 2014 AT 6:00 P.M.