



MILPITAS CITY COUNCIL MEETING AGENDA

TUESDAY, AUGUST 4, 2015

455 EAST CALAVERAS BLVD, MILPITAS, CA

6:00 P.M. CLOSED SESSION
7:00 P.M. PUBLIC BUSINESS

Note: Councilmember Garry Barbadillo will participate by telephone conference at his remote location: Radisson Hotel Hartford, 50 Morgan St., Hartford, CT 06120 (860) 549-2400

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)**
- II. CLOSED SESSION**
 - CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9
Campbell et al. v. City of Milpitas, et al.
U.S. District Court, case no. CV13-03817
 - CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION**
Pursuant to California Government Code Section 54956.9 - City as Defendant
- 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 (Vice Mayor Montano)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – June 16, July 1 and 3, 2015 meetings**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR - August 2015**
- VIII. 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 place the item on a future meeting agenda.

- IX. ANNOUNCEMENTS**
- X. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- XI. APPROVAL OF AGENDA**
- XII. 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.

XIII. PUBLIC HEARINGS

- 1. Hold Public Hearing to Consider Request to Host a Flag Ceremony at City Hall Outside Plaza by the Pakistan American Culture Center on August 14, 2015 (Staff Contact: Mary Lavelle, 408-586-3001)**
- 2. Hold a Public Hearing and Adopt a Resolution Confirming Weed Abatement Assessments to be Entered on Tax Assessment Bills (Staff Contact: Albert Zamora, 408-586-3371)**
- 3. Hold a Public Hearing and Adopt a Resolution Approving a Site Development Permit Amendment Allowing Various Site and Building Modifications, Lot Line Adjustment and Reconfiguration of Open Space Easement to Existing Hillside Home at 1000 Country Club Drive Under Construction (Staff Contact: Cindy Hom, 408-586-3284)**
- 4. Hold a Public Hearing to Consider Protests Against Proposed Sewer Rate Increases, Waive the Second Reading and Adopt Ordinance No. 208.50 for Amendments to Title VIII of the Milpitas Municipal Code to Establish Sewer Rates (Staff Contact: Steven Machida, 408-586-3355)**
- 5. Receive Staff Briefing on New Water Rate Study and Move to Continue Scheduled Public Hearing and Adoption of Proposed Ordinance to Establish Water Rates (Staff Contact: Steven Machida, 408-586-3355)**

XIV. UNFINISHED BUSINESS

- 6. Receive Quarterly Economic Development Report (Staff Contact: Edesa Bitbadal, 408-586-3052)**
- 7. Accept Report on Status of Ballot Measures T and Z, Relating to Urban Growth Boundaries and Urban Service Areas and Provide Direction to Staff (Staff Contacts: Tom Williams, 408-586-3050 and Bill Ekern, 408-586-3273)**
- * 8. Receive the Update of the Odor Control Report (Staff Contact: Steven Machida, 408-586-3355)**

XV. REPORTS OF OFFICERS AND COMMISSIONS

- * 9. Consider Mayor's Recommendations for Appointments to City of Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**
- *10. Consider Recommendation to Appoint Mayor Esteves to Serve as Milpitas Representative to the Board of Bay Area Water Supply and Conservation Agency (Staff Contact: Mayor Esteves, 408-586-3029)**
- 11. Hear Report of Vice Mayor Carmen Montano on a Proposal Seeking Amendment to Current Janitorial Contract (Contact: Vice Mayor Montano, 408-586-3023)**
- *12. Per Recommendation of Telecommunications Commission, Approve Donation of Recycled Personal Computers to Milpitas Residents (seniors and students) (Staff Contact: Mike Luu, 408-586-2706)**

- *13. Approve Amendments to the By-laws of the Economic Development Commission (Staff Contact: Edesa Bitbadal, 408-586-3052)**

XVI. NEW BUSINESS

- *14. Consider Request from St. Elizabeth Catholic Church to Waive Fees for its Parish Festival on August 16, 2015 Held on Church Grounds (Staff Contact: Mary Lavelle, 408-586-3001)**
- *15. Remove Alternate Member of the Economic Development Commission Due to Lack of Meeting Attendance (Staff Contact: Mary Lavelle, 408-586-3001)**
- *16. Approve Re-opening Capital Improvement Program (CIP) Projects No. 5096, Pinewood Park Picnic Renovation and Project No. 7109, Water System Replacement (Staff Contact: Steve Erickson, 408-586-3301)**
- *17. Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended June 30, 2015 (Staff Contact: Emma Karlen, 408-586-3145)**
- *18. Review and Adopt Citywide Strategic Plan Vision, Mission and Values (Staff Contact: Tom Williams, 408-586-3050)**

XVII. RESOLUTIONS

- *19. Adopt a Resolution Supporting Temporary Street Closure on Technology Drive, S. McCarthy Boulevard, and Tasman Drive for the American Heart and Stroke Walk (Cindy Hom, 408-586-3284)**
- *20. Adopt a Resolution Approving the Sole Source Purchase of Asphaltic Material and Authorizing City Staff to Execute Agreements with Granite Construction Company and Reed and Graham Inc. for a Combined Not-To-Exceed Annual Amount of \$80,000 (Staff Contact: Chris Schroeder, 408-586-3161)**
- *21. Adopt a Resolution Approving an Agreement Between the City of Milpitas and the Santa Clara Valley Transportation Authority for the Funding of Sole Source Purchase of Paratech, Inc. Urban Search and Rescue Trailer and Equipment from L.N. Curtis & Sons for \$165,359.81 (Staff Contact: Chris Schroeder, 408-586-3161)**
- *22. Adopt a Resolution Awarding a Contract to George Bianchi Construction Inc. for 2014 Soundwall Renovation Project No. 4267 and Authorize the Director of Engineering to Execute Contract Change Orders (Staff Contact: Steve Erickson, 408-586-3301)**

XVIII. AGREEMENTS & BIDS

- *23. Award the Bid to J.J.R. Construction and Authorize the City Manager to Execute a Contract for On-Call Sidewalk Repair, Curbs & Gutters for the Annual Amount Not-to-Exceed \$326,250 and Authorize the Purchasing Agent to Exercise up to Four Annual Renewal Options (Staff Contact: Chris Schroeder, 408-586-3161)**
- *24. Award the Bid to Battalion One Fire Protection and Authorize the City Manager to Execute a Contract for Citywide Fire Extinguisher Maintenance and Repair Service Annually Not-to-Exceed \$23,008 and Authorize the Purchasing Agent to Exercise up to Four Annual Renewals (Staff Contact: Chris Schroeder, 408-586-3161)**
- *25. Award the Bid to Simplex Grinnell and Authorize the City Manager to Execute a Contract for Citywide Fire Alarm and Fire Suppression System Inspection, Testing, Maintenance and Repair Service for the Annual Not-to-Exceed Amount of \$35,868 and Authorize the**

Purchasing Agent to Exercise up to Four Annual Renewal Options (Staff Contact: Chris Schroeder, 408-586-3161)

- *26. Approve Amendment No. 1 to the Agreement with JP Graphics Increasing the Value for City Printing Services Annually by \$65,000 for a Total Annual Amount Not-To-Exceed \$135,000 (Staff Contact: Chris Schroeder, 408-586-3161)**
- *27. Authorize the City Manager to Renew the Agreement between the County of Santa Clara and the City of Milpitas for Emergency Medical Dispatch Services (Staff Contact: Armando Corpuz, 408-586- 2534)**
- *28. Approve Amendment No. 6 to the Agreement with ACCO Engineered Systems, Inc. for Emergency Repairs to City Hall Heat, Ventilation and Air Conditioning (HVAC) System for an Amount Not-To-Exceed \$113,768.01 (Staff Contact: Nina Hawk, 408-586-2603)**
- *29. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Harris & Associates, Inc. for Support Services for Land Development Engineering Division (Staff Contact: Steven Machida, 408-586-3355)**
- *30. Approve Amendment No. 1 to the Agreement with Law Firm of Burke, Williams & Sorensen, LLP for Legal Services Regarding Elimination of Odor (Staff Contacts: Tom Williams, 408-586-3050 and Gary Baum, 408-586-3040)**

XIX. ADJOURNMENT

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, boards, 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
City Attorney office 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:

Arts Commission

Community Advisory Commission (3 vacancies)

Economic Development Commission (residential real estate rep.)

Sister Cities Commission

Veterans Commission (2 vacancies)

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.
Contact the City Clerk's office 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.

AGENDA REPORTS

XIII. PUBLIC HEARINGS

- 1. Hold Public Hearing to Consider Request to Host a Flag Ceremony at City Hall Outside Plaza by the Pakistan American Culture Center on August 14, 2015 (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: The Pakistan American Culture Center of Milpitas filed two applications with the City Clerk in July: (1) to rent Milpitas City Hall outdoor plaza from 7:00–9:00 PM on Friday, August 14, 2015 and (2) a request to hold a ground level flag ceremony on that date. Milpitas Municipal Code I-600-2.40 requires “all ground level ceremonies must be approved by the City Council . . . and . . . a public hearing will be held regarding each ground level ceremony application prior to its approval or denial by the City Council.”

Mr. Mohammad Aboobaker from PACC submitted proper forms along with application fees. The group would like to hold an outdoor flag ceremony and hear speeches, outside at the back patio of City Hall, to be followed by a brief outdoor reception where approximately 75 people are anticipated to attend. An insurance certificate was submitted to the City Clerk along with proper rental fees for the event.

The City Council must hold a public hearing for any comments, and then following the hearing, Council shall determine if it will approve the request. The public hearing was noticed more than 10 days in advance of this meeting.

Fiscal Impact: None. Appropriate facility rental fees and staff costs were collected.

Recommendations:

1. Hold a public hearing, and move to close it following comments.
 2. Consider request and approve a flag ceremony by the Pakistan American Culture Center at Milpitas City Hall outside plaza on Friday, August 14, 2015 from 7:00 to 9:00 PM.
- 2. Hold a Public Hearing and Adopt a Resolution Confirming Weed Abatement Assessments to be Entered on Tax Assessment Bills (Staff Contact: Albert Zamora, 408-586-3371)**

Background: On January 6, 2015, the Milpitas City Council adopted Resolution No. 8433 declaring noxious or dangerous weeds growing upon certain described property to be a public nuisance that must be abated by the removal of the weeds. If the public nuisance was not removed from the properties by the owner, the City contracted with the County Department of Agriculture and Environmental Management to remove the weeds and abate the nuisance. In accordance with Title V, Chapter 202, Weed Abatement, of the Milpitas Municipal Code, the County Department of Agriculture and Environmental Management filed with the City Clerk a report and assessment list on weeds abated within the City as nuisances. The report and notice of the public hearing was posted at City Hall and published in the local newspaper, pursuant to Milpitas Municipal Code section V-202-9.00.

City code requires that the City Council “shall hear the report together with any objections of the property owner liable to be assessed and make such modifications on the proposed assessment as it deems necessary.”

After adoption by the City Council, the resolution will be recorded and charges thereon become a lien on the land involved to be collected in the same manner as property taxes. A copy of the assessment list and the resolution confirming the weed abatement report are included in the Council’s agenda packet.

Recommendations:

1. Hold the public hearing, and move to close the hearing following any testimony.
 2. Adopt a Resolution confirming assessments for weed abatement for 2015.
3. **Hold a Public Hearing and Adopt a Resolution Approving a Site Development Permit Amendment Allowing Various Site and Building Modifications, Lot Line Adjustment and Reconfiguration of Open Space Easement to Existing Hillside Home at 1000 Country Club Drive Under Construction (Staff Contact: Cindy Hom, 408-586-3284)**

Background: In November 2003, the City Council approved a Planned Unit Development Permit (PD2002-2) and Environmental Impact Assessment (EA2002-10) for the removal and replacement of an existing one-story house with a new 12,571 square foot split level house which includes one-story and two-story portions. The Planned Unit Development granted several deviations from Hillside Ordinance development standards that included the home to be constructed within the crestline zone of protection (an area defined as 100' below and 300' above of the perceived crestline which prohibits any structures, grading and non-native plant material or an visual intrusion), combining the total square footage of the main residence and second family unit, reduced rear setback, and exempted unconditioned space (garage, covered pool and unconditioned basement) from the square footage calculations. Subsequent approvals included a one-time 18 months' extension of the permit in May 2004. The applicant began construction in 2005 but the home remains uncompleted. However, there are active building permits that have been extended to complete the construction of the home at 1000 Country Club Drive.

The current project being considered is a Site Development Permit Amendment for minor site and building modifications to the house. The purpose of the Amendment is to bring the home into compliance with the updated building codes, improve the driveway condition, and provide a more contemporary site and architectural design. The project plans (Attachment B) illustrate these modifications. The project includes a lot line adjustment and reconfiguration of an open space easement. The lot line adjustment would reconfigure the open space easement to encumber 60 percent of the lot as open space. This proposal complies with the provision for open space easements for the hillside zone. Pursuant to Milpitas Municipal Code XI-10-45-.08-2, reconfiguration of the open space easement may be granted, at a public hearing by the City Council, provided that the net acreage is not decreased. In this instance, the area of the open space easement will actually increase leading to greater preservation of open space.

The Planning Commission conducted a public hearing on June 24, 2015 and adopted a resolution recommending that the City Council approve the Site Development Permit Amendment for the minor site and building modifications to an existing hillside home, lot line adjustment and reconfiguration of the an open space easement. June 24, 2015 Planning Commission staff report (Attachment C) and meeting minutes (Attachment D) are included in Council's agenda packet.

Fiscal Impact: None.

Attachments

- A. Draft City Council Resolution
- B. Project Plans (large bound document)
- C. June 24, 2015 Planning Commission staff report
- D. Adopted Planning Commission Resolution
- E. June 24, 2015 Planning Commission Meeting Minutes

Recommendations:

1. Following any comments, move to close the public hearing.
2. Adopt a Resolution approving Site Development Permit Amendment No. SA14-0002 to allow for various site and building modifications, lot line adjustment and reconfiguration of an existing open space easement to an existing hillside home at 1000 Country Club Drive, based on findings and subject to conditions of approval.

4. Hold a Public Hearing to Consider Protests Against Proposed Sewer Rate Increases, Waive the Second Reading and Adopt Ordinance No. 208.50 for Amendments to Title VIII of the Milpitas Municipal Code to Establish Sewer Rates (Staff Contact: Steven Machida, 408-586-3355)

Background: On May 19, 2015, the City Council accepted staff recommendations for sewer rate increases; introduced the sewer rate ordinance; approved notification to all property owners for the proposed rate increases; and set August 4, 2015 as the date for the public hearing on the proposed rates and ordinance adoption. The rate recommendations are based on the City's expected expenses and revenue needs in accordance with City fiscal policies.

The City provides sewer collection and treatment services to residential and business customers at a rate that covers the City's costs. Wastewater treatment costs are increasing, doubling from FY 2014-15 to FY 2015-16 due to the start of the 30-year rebuilding program at the San Jose/Santa Clara Water Pollution Control Plant (WPCP). Existing revenues are insufficient to meet projected service expenses. Therefore, staff prepared a one year rate analysis (copy in the Council packet) to provide sufficient revenue to cover increased costs. Under the proposed sewer rate increase, the average single family sewer bill would increase by \$3.34 (from \$86.93 to \$90.27).

In 2003, the City Council adopted the first Financial Utility Master Plan (FUMP). The purpose of the FUMP was to analyze anticipated utility revenues and expenses for a 20-year period to provide utility rate recommendations to enable long-term financial rate stability. The City has started an update to the FUMP for the next 20 years, which is scheduled to be completed in the months ahead.

San Jose/Santa Clara Water Pollution Control Plant (WPCP) treatment costs are about 60 % of the City's total wastewater service expenses. The City holds a long term contract that includes increasing treatment prices to recover the cost of service. The capital replacement costs necessary for the rehabilitation of the 60 year old regional wastewater treatment facility will increase significantly, doubling from the previous year. The remaining 40% of the City's wastewater service cost is for operation, maintenance, and capital costs related to wastewater collection and pumping. The City's sewer system contains over 180 miles of pipe and two pumping stations that collect and transport the sewage to the WPCP.

The City of San Jose has prepared a preliminary 10-year estimate of operating and considerable capital costs. Starting with FY 2015-16, it is necessary to finance costs of this magnitude. San Jose is planning to use short-term commercial paper for FY 2015-16 and FY 2016-17, and issue long-term bonds in FY 2017-18. These financing options require the City to increase its contribution to the WPCP's reserve which will be built up over the next several years. Staff recommends participation in WPCP's funding programs if costs are reasonable.

The City of San Jose recently completed a Residential Flow Study in 2014 that updated population per dwelling unit and per capita discharge from 1975 data. The flow study recommendation is shown in the table below.

City of Milpitas						
	1975 data			2014 data		
	No. of persons	Flow per person gallons per day (gpd)	People x flow per person = gpd per household	No. of persons	Flow per person gpd	People x flow per person = gpd per household
Single Family	3.37	65	219	3.54	51	181

Multi-family	2.05	60	123	2.73	51	139
Mobile homes	1.90	65	124	2.24	63	141

The result is a reallocation of costs between all customer categories. Rates for most commercial and industrial customers decrease and the mobile home sewer rate increases at a faster rate than the single family or multi-family customers. According to the Residential Flow Study, water consumption data for Milpitas mobile home parks is inconsistent and is therefore disregarded. A weighted average of the San Jose and West Valley data is used for Milpitas. This data is used to determine the Milpitas share of costs at the WPCP.

Staff investigated the inconsistent mobile home park water consumption and agrees that the data should be disregarded. The water meters at the three mobile home parks are past their useful life and are scheduled to be replaced. For the purpose of this single year rate analysis, staff recommends using 2.24 persons per household from the San Jose Study and 51 gallons per day per capita (gpdpc) (instead of 63 gallons per capita) to set the mobile home park sewer rate. The 51 gpdpc is equivalent to the Milpitas single and multi-family values and is more closely aligned with the lower water use per capita that is seen in Milpitas mobile home parks. The more accurate data from the new water meters and sewer flow monitoring will be incorporated into future rate analyses.

	2015 Rate Basis		
	No. of persons	Flow per person gpd	People x flow per person = gpd per household
Single family	3.54	51	181
Multi-family	2.73	51	139
Mobile homes	2.24	51	141

The planned expenses include participation in the commercial paper program and a contribution to build up reserves for the commercial paper and bond programs. The proposed rate increase is needed to generate sufficient revenue to meet expenses. The staff recommendation is to increase sewer rates to generate an overall increase in revenue from \$14.3 million to \$17.4 million. The sewer rate schedule is tabulated in Ordinance No. 208.50, which is included in the Council packet.

Residential customers are billed a fixed bi-monthly amount per dwelling unit (du) and non-residential customers are billed on volume of water used, expressed as hundred cubic feet (hcf). This results in changes to the customer classes as follows:

City of Milpitas		
	FY 2014-15	FY 2015-16
Commercial per hcf	\$3.26 - \$6.16	\$3.95 - \$7.49
Industrial per hcf	\$2.73-\$8.00	\$3.94 - \$8.34
Institutional per hcf	\$3.50 - \$4.81	\$4.23 - \$6.34
Single Family per du	\$86.93	\$90.27
Multi-Family per du	\$52.22	\$69.32
Mobile Homes per du	\$38.20	\$56.97

Additional Information

The City's sewer rate model was updated with the results from the WPCP's 2014 Residential Flow Study. The rate model is sent to the state annually.

Rates are calculated based on four treatment parameters consisting of flow, biochemical oxygen demand (BOD), suspended solids (SS), and ammonia (NH₃). Capital and operating costs are applied to each of the parameters. The total cost is divided by the four parameter units to get the unit rate. The unit rate is applied to each customer class to calculate their rate. Depending on customer class, values for BOD, SS, and NH₃ are assigned by the City of San Jose based upon industry standards and State-accepted values. For example, sewage waste from residential customers contains more suspended solids than sewage waste from office buildings. Unique customers, such as semiconductor manufacturers, are sampled by the City of San Jose to verify their parameters.

For example, consider at a simplified equation for restaurants to understand how the costs are allocated. Each other type of customers has a similar equation.

$$\begin{array}{ccccccc} \text{Total} & & & & & & \\ \text{sewage cost} & & \text{Total} & & \text{Cost to} & & \text{Total Amount of} & & \text{Cost to Convey,} & & \text{Same} \\ \text{for all} & = & \text{Sewage} & \times & \text{Convey,} & + & \text{Suspended Solids} & \times & \text{Treat, and} & + & \text{Calculations} \\ \text{restaurants} & & \text{Flow from} & & \text{Treat, and} & & \text{(e.g. toilet paper and} & & \text{Dispose of} & & \text{for BOD and} \\ \text{in the City} & & \text{Restaurants} & & \text{Dispose of} & & \text{food scraps) in} & & \text{Suspended} & & \text{NH}_3 \dots \\ & & & & \text{Sewage} & & \text{Restaurant Sewage} & & \text{Solids} & & \end{array}$$

This total cost is then divided by the total flow to calculate the unit rate for each unit of sewage flow from restaurants.

Water billing records for the non-residential customers are used to determine sewer flow. For most non-residential customers, the sewer discharge is equivalent to the water demand. This assumption is not true for customers who use water in their products, such as concrete manufacturing and food processing. These customers are eligible for the City's Sewer Flow Adjustment Program and a reduction factor is applied to their flow.

Since it is not possible to monitor the sewage flow from each residence, there are several generally accepted methods to estimate sewer flow. The partner agencies of WPCP estimate flow based upon an assumed average population per household and assumed flow per person. The difference between single family and multi-family rates is the number of people per household.

Notification: As required by state law, staff sent notice of the City's intent to raise water and sewer rates, with instruction on how to submit a written protest, to all affected property owners 45 days before the scheduled public hearing date. Staff will provide the number of affected properties and the number of written protest submitted to the City Clerk during the presentation of this agenda item. If a majority of the affected property owners submitted written protests against the increase, the City can not increase the sewer rates.

Alternative: The consequences of not raising rates sufficient to cover costs are that the City would be forced to take funding from the general fund, its only source of discretionary funds, to subsidize the utility rates at a level less than cost. This transfer from the general fund would reduce the City's ability to provide other desired community services such as parks and recreation, street landscaping, and street maintenance. It would also conflict with City policy and standard government practice that the sewer fund be operated as self-supporting enterprise fund. The City would need to take over \$3.1 million from other services to offset the lost revenue.

Fiscal Impact: Sewer rate adjustments would pay for escalating costs of wastewater treatment rehabilitation costs and the San Jose/Santa Clara Water Pollution Control Plant and collection system operation and maintenance. Funding options include pay-as-you-go, grants, loans, short

term funding, and bonds to provide capital for the City's share of costs at the regional wastewater facility.

Attachments:

- A. Sewer Ordinance for adoption
- B. Notice to ratepayers
- C. Utility Rate Analysis

Recommendations:

- 1. Open the public hearing on sewer rates to hear comments on proposed utility rate increases.
 - 2. Move to close the public hearing following all speakers.
 - 3. Receive summary from the City Clerk of the number of written protests received. If the quantity of protests is less than a simple majority, Council may proceed with the next recommendation.
 - 4. Waive the second reading and adopt Ordinance No. 208.50 amending Title VIII of the Milpitas Municipal Code to establish sewer rates.
5. **Receive Staff Briefing on New Water Rate Study and Move to Continue Scheduled Public Hearing for Adoption of Proposed Ordinance to Establish Water Rates (Staff Contact: Steven Machida, 408-586-3355)**

Background: On May 19, 2015, the City Council accepted staff recommendations for utility rate increases; introduced the water rate ordinance; approved notification to all property owners for the proposed rate increase; and set August 4, 2015 as the date for the public hearing on the proposed water rate and ordinance adoption. On July 22, 2015, a ruling by the State of California Supreme Court affects how cities administer water rates in California. Therefore, the City will implement a rate study to assure water rates meet this new ruling. Staff will brief the Mayor and Council at the City Council meeting.

As a result of the Appeals court ruling in April that found the City of San Juan Capistrano's tiered water rates unconstitutional under Proposition 218, Attorney General Kamala Harris appealed to the Supreme Court in June to "depublish" the ruling since it hampered efforts by cities to conserve water to deal with the ongoing drought in California. On Wednesday, July 22, the California Supreme Court issued a brief order rejecting the Attorney General's request, supporting the ruling by the Appeals court in April.

The City of Milpitas is working with Bartle Wells to provide a new water rate study that will comply with this new ruling on water rates under Proposition 218, which is expected in the next few months. Bartle Wells is already working on an update to the Financial Utility Master Plan (FUMP), last adopted in 2003. The purpose of the FUMP is to analyze anticipated utility revenues and expenses for a 20-year period to provide utility rate recommendations enabling long term financial rate stability. The update to the FUMP will address the next 20 years and is scheduled to be completed in the months ahead.

Alternative: Because of the California Supreme Court decision on July 22, there is no alternative that would be in compliance with Proposition 218.

Fiscal Impact: The City sells water and recycled water services to residential and business customers at a rate that covers the City's costs. Until a new rate is adopted, the City will lose revenue to cover increased expenses for water services. City Engineering staff is working with the contractor to expedite the new rate study. There is sufficient funding in CIP Projects No. 7111 and No. 7123 for the new rate study.

Recommendations:

- 1. Move to continue the public hearing on water rates to a date uncertain.
- 2. Receive staff briefing on a new Water Rate Study.

XIV. UNFINISHED BUSINESS

- 6. Receive Quarterly Economic Development Report (Staff Contact: Edesa Bitbadal, 408-586-3052)**

Background: The goal of the Economic Development quarterly report is to update and inform the City Council and the public of the Economic Development Division's activities and the Economic Development Workplan's progress.

Recommendation: Receive and accept the Quarterly Economic Development quarterly report from the Economic Development Manager.

- 7. Accept Report on Status of Ballot Measures T and Z, Relating to Urban Growth Boundaries and Urban Service Areas and Provide Direction to Staff (Staff Contacts: Tom Williams, 408-586-3050 and Bill Ekern, 408-586-3273)**

Background: In 1998, the City Council placed a measure on the November ballot, known as Measure Z, that when passed adopted an ordinance amending the General Plan Land Use Plan to create an Urban Growth Boundary that is effective for twenty years. This action limited the development with the City of Milpitas to the valley floor and the base of the foothills by prohibiting city services, such as police, fire, sewer, and water to new land use developments in the hillside area. In 2004, the City Council placed a measure on the November ballot, known as Measure T, which required any amendment to the Hillside Ordinance be approved by the voters of the City of Milpitas. Measure T, as with Measure Z, has a termination date of December 31, 2018.

Based on the language in the ordinances and ballot pamphlet, staff believes that new sunset dates can only be set by returning to the voters, rather than the Council simply amending the adopted ordinances.

The City Council at its meeting on May 19, 2015 directed staff to return with an analysis of these ordinances to enable Council discussion addressing the sunset of these two land use ordinances. This topic was scheduled on June 16, 2015 Council agenda, but was not heard on that date and carried forward to the next meeting date.

Fiscal Impact: Should the City Council determine that placing these questions before the voters in an election, there would be the costs of the election.

Recommendation: Review information provided and provide direction to staff regarding steps to either extend the requirements of these ordinances or to allow the ordinances to sunset.

- * 8. Receive the Update of the Odor Control Report (Staff Contact: Steven Machida, 408-586-3355)**

Background: From May 11, 2015 through July 12, 2015, the Bay Area Air Quality Management District (BAAQMD) forwarded 264 complaints originating in Milpitas. 123 complaints identified a garbage odor, nine complaints identified a sewage odor, 130 complaints did not identify an odor source, and two identifying multiple odor sources. As of the last Council update, the City's odor reporting website has received 60 reported complaints.

Recommendation: Receive the update of the odor control report.

XV. REPORTS OF OFFICERS AND COMMISSIONS

*** 9. Consider Mayor's Recommendations for Appointments to City of Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following:

Community Advisory Commission:

Appoint current Alternate No. 1 Mike Bilbao as voting member to a term that will expire in January of 2016.

Appoint current Alternate No. 3 Michael Lee as Alternate No. 1 to a term that will expire January of 2017.

Newly appoint Evan Bell as the Alternate No. 3 to a term that will expire in January of 2016.

Parks, Recreation and Cultural Resources Commission:

Re-appoint Samu Tiumalu as Alternate No. 2 to a term that will expire in June of 2017.

Sister Cities Commission:

Re-appoint Nolan Chen as a voting member to a term that will expire in September of 2017.

Recommendation: Receive Mayor's recommendations and approve appointments to three City of Milpitas Commissions.

***10. Consider Recommendation to Appoint Mayor Esteves to Serve as Milpitas Representative to the Board of Bay Area Water Supply and Conservation Agency (Staff Contact: Mayor Esteves, 408-586-3029)**

Background: Recently, the previous representative serving as the City's appointed member on the Board of Directors for the regional body, Bay Area Water Supply and Conservation Agency (BAWSCA) and also the Bay Area Regional Water System Financing Authority (RFA), has resigned. Mayor Esteves would like to serve now on the BAWSCA Board and the RFA.

BAWSCA and its RFA meet approximately bi-monthly, or as scheduled. Meetings are often held at 7:00 PM on a Thursday evening, at a facility on the peninsula, frequently in Foster City or San Mateo. Also, service on the BAWSCA board includes a stipend of \$100 per meeting attended.

Recommendation: Receive the Mayor's recommendation and move to appoint Mayor Esteves to serve as the Milpitas representative to the Board of Directors of both BAWSCA and its financing entity, the RFA, to a term that will expire in April of 2017.

11. Hear Report of Vice Mayor Carmen Montano on a Proposal Seeking Amendment to Current Janitorial Contract (Contact: Vice Mayor Montano, 408-586-3023)

Background: Receive a report and request from the Vice Mayor on her desire to address the issue of the rate of pay and an hourly rate increase for contracted janitors through Varsity Services, the current contractor for the City of Milpitas.

Recommendation: Hear report from Vice Mayor and provide appropriate direction to staff.

***12. Per Recommendation of Telecommunications Commission, Approve Donation of Recycled Personal Computers to Milpitas Residents (seniors and students) (Staff Contact: Mike Luu, 408-586-2706)**

Background: After 12 years of service, Microsoft stopped providing security updates and technical support for the Windows XP Operating System on April 8, 2014. In response, the Information Services Department has been upgrading/replacing desktop computers ("PC") and laptops running Windows XP with PCs and laptops running Windows 7 or higher. As a result, the City has collected PCs and laptops that are more than five years old and would normally be

recycled. The Milpitas Telecommunications Commission recommended that these computers be donated to low income Milpitas seniors or students to help bridge the gap across the digital divide.

With the recommendation from the Telecommunications Commission, the City Information Services started an inventory of PCs and laptops. These are ready-to-use and can be donated to Milpitas seniors and students free of charge.

These PCs/Laptops are:

- Wiped clean to protect City Data
- Loaded with Zorin 9 OS to comply with Microsoft Licensing Agreement
- Ready-to-use
- Donated “as is”

The Zorin OS Operating System was installed because the system:

- Has no risk of getting viruses
- Is fast-running and light on resources
- Is an user-friendly desktop
- Is stable as it is based on the robust Linux operating system
- Contains all the software the user will ever need out of the box
- it is an Open Source software licensed by the GNU GPL.

Fiscal Impact: None.

Recommendation: Approve the Telecommunications Commission’s recommendation to allow donation of recycled Personal Computers and laptop computers.

***13. Approve Amendments to the By-laws of the Economic Development Commission (Staff Contact: Edesa Bitbadal, 408-586-3052)**

Background: The Economic Development Commission was established by the Milpitas City Council on February 19, 2003. The Commission has been comprised of one representative from each of the following organizations and areas:

Chamber of Commerce, Milpitas Unified School District, Technology, Restaurant, Residential Real Estate, Commercial Real Estate, and Hotel/ Accommodations. The Commission also has two representatives from each of the following organizations and areas: Retail Business and Resident.

Since the inception of the EDC, there has been one By-Law amendment adopted by the City Council. The By-law amendment on March of 2009 added two new Commissioners by adding a residential real estate representative, and one additional resident to the Commission.

The City Council’s 2009 changes were not fully reflected in the EDC By-laws as there were discrepancies in the language of the By-laws and changes made by the Council. Also, in 2011 the City Council requested the Economic Development and the Sister Cities Commission work together to forge stronger ties. These two changes and additional changes prompted staff and the EDC to form a By-Laws subcommittee to amend the By-laws. In preparation of the By-law changes, staff reviewed By-laws for five cities in four different counties to develop changes.

The EDC By-law Subcommittee was formed by the EDC on March 9, 2015. On April 9, and June 8, 2015, the Subcommittee met to review and make changes to the current By-laws. Subsequently, the EDC reviewed the proposed changes and approved them unanimously on June 8, 2015.

The major change to the By-laws is to add a new section numbered Section 2 called “Charge.” This section provides guidelines for the role and responsibility of the EDC. The new language states the Economic Development Commission is charged to:

1. Promote and cultivate retention and expansion of businesses as well as attraction of new businesses.
2. Ensure City-wide economic development sustainability and a viable financial base for the City.
3. Maintain a successful business climate.
4. Maintain a diverse job base and workforce development.
5. Cultivate relationships with business organizations and City commissions in order to gain economic development opportunities for the City.

Section 3 of the By-laws is the membership section that defines the structure of the Commission. The changes proposed are to add “Commercial” to the Residential Real Estate category. This gives flexibility in recruiting Commercial Brokers who work closely with Industrial users, businesses, and commercial land owners. “Commercial Business” was added to the Retail Business category to allow for flexibility in recruiting business owners.

Section 7 of the By-laws described the meeting guidelines. Changes proposed in this section are:

- 1) Start the monthly meetings at 4:00 pm rather than the currently established time of 6:00 pm. This is the single most important tool to recruit and retain business representatives. For those who work and/or own businesses in Milpitas, this allows them flexibility in managing their business while participating and volunteering their time with the City.
- 2) Special meetings of Economic Development Commission may be called by a majority of the members, Chair, or City Council. This was changed to add the “Chair through staff” and also add “staff” can call special meetings, if needed.
- 3) Current language of the By-laws requires the Commission to follow the latest edition of Roberts Rules of Order. Rules of parliamentary procedure were added to give options to the EDC.

Section 8 of the By-laws addresses quorums. The quorum for an eleven member commission should be six not five. This language was changed to six to reflect the changes made to the EDC by the City Council in 2009.

These changes will assist the development of the City’s goals in economic development while conducting efficient and effective meetings.

Recommendation: Approve amendments to the By-Laws of the Economic Development Commission based on the recommendations by the Commissioners.

XVI. NEW BUSINESS

- *14. Consider Request from St. Elizabeth Catholic Church to Waive Fees for its Parish Festival on August 16, 2015 Held on Church Grounds (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: The City Clerk received a “Donation or Fee Waiver/Reduction Request Application Form” from St. Elizabeth Catholic Church on July 16. Volunteers for the Festival applied for a Special Event Permit through planning, which will be considered separately for approval by the Planning Commission Subcommittee. At this time, the church has requested that the City Council waive select fees charged by the City for the church to put on its Festival.

City Fees charged for the Festival requested to be waived:
Special Event Permit (Planning Dept) \$250.00

Temporary Fire Assembly permit (Fire Dept): \$523.77
Electrical Permit fee (Building Dept.) \$657.00

Fiscal Impact: \$20,000 was approved and included in the FY 2015-16 City budget for City Council's Unallocated Community Promotions. If the current donation request is approved, then \$18,569.23 would be the remaining balance.

Recommendation: Consider the request from St. Elizabeth Catholic Church and move to waive fees totaling \$1,430.77 related to the Parish Festival held at church on Sunday, August 16, 2015.

***15. Remove Alternate Member of the Economic Development Commission Due to Lack of Meeting Attendance (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: Economic Development Commission Alternate member Mark Wong has not been attending monthly Commission meetings for the past year. The last date he attended an EDC meeting was more than one year ago, on March 14, 2014. Upon being notified of his lack of attendance, the City Clerk sent e-mails to him in January and April, and then a letter of inquiry via US postal mail on June 10, 2015, to which Mr. Wong did not respond.

Commission By-Laws state: "The term of office for the Economic Development Commission members will be three years, or until reappointed or a successor is appointed. The term of office for alternates is two years or until reappointed or a successor is appointed. Members and alternates are expected to attend all meetings. When any member or alternate has three or more unexcused absences in a 12-month period, the Commission shall forward this information to the City Council for review and possible removal of the member or alternate from the Commission. Any member or alternate of the Economic Development Commission may be removed from office by a majority vote of the City Council at a regularly scheduled Council meeting."

Recommendation: Due to unexcused absences, lack of attendance more than one year and per Commission by-laws, vote to remove Mark Wong as EDC Alternate No. 2, thus creating a new vacancy for a term that will expire in April 2016.

***16. Approve Re-opening Capital Improvement Program Projects No. 5096, Pinewood Park Picnic Renovation and Project No. 7109, Water System Replacement (Staff Contact: Steve Erickson, 408-586-3301)**

Background: During the Capital Improvement Program (CIP) budgeting process, staff reviews all active capital improvement projects and recommends their closure prior to the end of the fiscal year. Last spring, a total of nine projects were programmed to be closed at the end of this last fiscal year, June 30, 2015. However, two of these Capital Improvement Program projects are still active and it is recommended they remain open this fiscal year.

Construction of Project No. 5096, Pinewood Park Picnic Renovation is complete. However, the project work is in the one-year warranty and maintenance period and invoices are processed for the contractor's monthly maintenance. Construction of the cathodic protection improvements for Project No. 7109 Water System Replacement is also complete. However, the contractor is finalizing project documentation and completing recommended standard drawings for use by the City on future water system improvements projects.

Fiscal Impact: None. There are sufficient funds in the respective project budgets.

Alternative: Denial of this request would result in the early closure of these projects and not completing the remaining project items of work.

Recommendation: Approve re-opening Capital Improvement Project No. 5096 Pinewood Park Picnic Renovation and Project No. 7109 Water System Replacement.

***17. Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended June 30, 2015 (Staff Contact: Emma Karlen, 408-586-3145)**

Background: In compliance with the State of California Government Code and the City's Investment policy, the City of Milpitas Investment Report for the quarter ended June 30, 2015 is submitted for the Council's review and acceptance.

The Portfolio Summary Report included in the Council's packet provides a summary of the City's investments by type. It lists the par value, market value, book value, percentage of portfolio, term, days to maturity and the equivalent yields for each type of investment. The Portfolio Details Report provides the same information for each individual investment in the City's portfolio as of June 30, 2015.

As of June 30, 2015, the principal cost and market value of the City's investment portfolio was \$182,337,137 and \$182,525,010 respectively. When market interest rates increase after an investment is purchased, the market value of that investment decreases. Conversely, when market interest rates decline after an investment is purchased, the market value of that investment increases. If the investments are not sold prior to the maturity date, there is no market risk. Therefore, in accordance with the City's investment policy, all investments are held until maturity to ensure the return of all invested principal.

The City's effective rate of return for the period ended June 30, 2015 was 0.70%. The comparative benchmarks for the same period were 0.30% for LAIF (Local Agency Investment Fund) and 0.56% for the 12-month average yield of the 2-year Treasury Note. The weighted average maturity of the portfolio was 507 days.

The investment portfolio is in compliance with the City's investment policy. A combination of securities maturing, new revenues, and tax receipts will adequately cover the anticipated cash flow needs for the next six months. Cash flow requirements are continually monitored and are considered paramount in the selection of maturity dates of securities.

The market values of the securities were provided by BNY Mellon, the safekeeping bank of the City's securities. All the securities owned by the City are held in the trust department of BNY Mellon under the terms of a custody agreement.

Three charts are included with the agenda packet that show investment by maturity levels, comparison of the City's portfolio yields to other benchmark yields as well as a trend of the type of securities in the City's portfolio, weighted average maturity and average yield.

Fiscal Impact: None.

Recommendation: Receive the investment report for the quarter ended June 30, 2015.

***18. Review and Adopt Citywide Strategic Plan Vision, Mission and Values (Staff Contact: Tom Williams, 408-586-3050)**

Background: An extensive effort has been underway to prepare the City's first comprehensive strategic plan. General information, specific ideas about future needs of the City and direction as to the needs of employees, citizens and businesses has been obtained through an outreach program inclusive of a wide and diverse cross section of the community and city staff.

This has been an extensive effort. Working with the consultant team, the City engaged over 300 community members to elicit their views and hear their visions for the future of the City. Simultaneously, the city engaged over 125 employees in discussion groups to hear their thoughts regarding the strengths, challenges, and opportunities for the organization. These discussion

groups were facilitated by members of the Employee Engagement Team, a group of 18 employees who have worked closely with the Executive Management Team throughout the process to help shape the Strategic Plan. Additionally, two prior City-wide meetings were held, one to launch the strategic planning process, and the other to gain input and ideas on an early draft of the Plan. Recently, a third City-wide meeting was held to share the foundation of the first City-wide strategic plan.

The cornerstone of the plan now consists of a final draft of the staff and community vision, organizational mission, a set of five organizational values. City staff has signed the document pledging their support and concurrence with Vision, Mission and Values of the plan.

Staff is excited to share the Strategic Plan with the City Council and gain concurrence. Employees believe the Vision, Mission and Values represent a turning point for the City organization, an opportunity to move past the economic decline and painful cuts that were endured toward a more positive and brighter future. As the City Council will see, the Plan helps define where the City is going as an organization, the values that are important and the goals to be accomplished.

The City staff fully recognizes that there is more that needs to be done to live up to the lofty aspirations set for the employee workforce in the Strategic Plan. But staff is prepared to take on that challenge. Following are the agreed upon Vision statement, Mission statement and Organizational Values. Seeking concurrence with the City Council is desired.

Community Vision: Milpitas will preserve its close-knit community and rich cultural diversity as it moves with innovation into the future by supporting sustainable growth and development, ensuring public safety, enhancing the environment and natural landscape, and nurturing family and community connections.

Organizational Mission: The City of Milpitas is committed to accomplishing the community's vision by providing fiscally sound, superior services.

Organizational Values:

Superior Customer Service – Develop the knowledge and skills, and secure the resources and tools to provide superior services to the community. Be innovative and open to change. Seek out efficiencies and streamlining efforts. Stay current and adopt best practices.

Open Communication – Listen openly and speak candidly when interacting with others. Promote two-way communication at all levels of the organization, between management and staff, across departments, and with the community. Ensure that employees are informed and have access to important information.

Integrity and Accountability – Be honest, ethical, and transparent when dealing with others. Take responsibility and be accountable for your actions. Establish expectations and adhere to standards of conduct for yourself and others.

Trust and Respect – Treat everyone fairly. Foster mutual respect at all levels of the organization. Embrace diverse views and experiences.

Recognition and Celebration – Acknowledge contributions. Celebrate accomplishments. Make Milpitas an enjoyable and fun place to work. Show support and care for all employees.

Strategic Goals:

Goal 1: Superior Customer Service

The City of Milpitas will maintain and continuously improve on providing superior service to our customers.

Goal 2: Public Safety

The City of Milpitas will maintain and enhance community trust and well-being by ensuring the protection and safety of residents, families, and all members of the community.

Goal 3: Growth and Economic Development

The City of Milpitas will develop plans and implement projects that will balance the needs of commercial, residential, and businesses in order to increase the City's economic base.

Goal 4: Community Connections

The City of Milpitas will build and maintain a strong connection with the community, creating greater collaboration, mutual trust and appreciation between the City and the people we serve.

Goal 5: Regional Partnerships

The City of Milpitas will build upon the strengths and sustain effective positive partnerships with citizens, local, State and regional organizations to enhance the quality of life in our community, and provide valuable services and solutions.

Goal 6: Environment and Natural Resources

The City of Milpitas will demonstrate environmental leadership through shared knowledge, green initiatives, environmental conservation, sustainable development, and compliance with health and environmental regulations.

Goal 7: Fiscal Responsibility

The City of Milpitas will operate in a fiscally responsible and sustainable manner for now and for future generations.

Fiscal Impact: None. Funding for these services was approved and included in the City budget from the City Manager's Department.

Recommendations:

1. Hear and receive update from the City Manager on the strategic planning effort for the City and provide comments.
2. Move to approve the City of Milpitas Vision, Mission and Values as submitted.

XVII. RESOLUTIONS

- *19. Adopt a Resolution Supporting Temporary Street Closure on Technology Drive, S. McCarthy Boulevard, and Tasman Drive for the American Heart and Stroke Walk (Cindy Hom, 408-586-3284)**

Background: The American Heart Association is requesting permission to temporarily close portions of three streets for the purpose of holding a non-competitive 5K (3.1 mile) fun walk and festival on Saturday, October 17, 2015 between the hours of 8:30 a.m. and 12:30 p.m. The proposed event anticipates attendance of approximately 4,000 people and requires street closures for public safety.

The proposed route for the event is on the following public streets: Technology Drive between Murphy Ranch Road and South McCarthy Boulevard; Tasman Drive between the east and west side of the Coyote Creek Trail, and McCarthy Boulevard between Technology Drive and State Route 237 Off-Ramp. Roads will be closed half an hour prior to the start of the event for set up and an hour and a half after the event ends for tear down of the street closures. The special event will also include a Miracle Mile walk proposed on the public sidewalks around the perimeter of the SanDisk Campus along Technology Drive, South McCarthy Boulevard, SanDisk Drive, and Murphy Ranch Road.

The purpose of the event is to raise funds for the American Heart Association's research, education and advocacy efforts. The event also includes a festival area with booths for sponsors, vendors, activities, and food tents located within the KLA Tencor parking lot located at 1 Technology Drive.

If the City Council authorizes the street closures, the applicant shall be responsible for the implementation of the Traffic Control Plan and associated City services. Conditions will be placed on the special event permit to ensure public traffic and pedestrian safety.

Event Parking: The applicant will use approximately 1,900 on-site parking spaces on the KLA Campus, as well as 300 off-site parking spaces on the neighboring SanDisk campus.

Event Security: The applicant will use KLA Tencor's private security company for event security. Staff is requiring the applicant to provide two to four security officers at each event area, including the off-site parking areas, in order to maintain crowd control and to assist in directing pedestrian traffic.

Analysis: The applicant anticipates approximately 4,000 attendees, and plans minimize potential parking issues by providing sufficient off-street parking. Residents in the area may be impacted due to the temporary street closures and re-routing of traffic. However, these impacts would be limited to Saturday for a six hour period. The applicant held a community meeting with the residents of Cerano Apartments and Coyote Creek Villas on July 23, 2015 to present the event and traffic management plan.

Fiscal Impact: None.

Recommendation: Adopt a Resolution supporting temporary partial street closure on Technology Drive, South McCarthy Boulevard, and Tasman Drive on Saturday, October 17, 2015 from 8:00 a.m. to 2:00 p.m. for the American Heart and Stroke Walk in Milpitas.

- *20. Adopt a Resolution Approving the Sole Source Purchase of Asphaltic Material and Authorizing City Staff to Execute Agreements with Granite Construction Company and Reed and Graham Inc. for a Combined Not-To-Exceed Annual Amount of \$80,000 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: Public Works Street Maintenance staff performs patch and repair work on City roads and related work sites. Annual cost of the asphaltic materials for these services is estimated to be approximately \$80,000. Staff recommends that Granite Construction Company be established as the primary supplier, and Reed and Graham Inc. be the secondary supplier due to their proximity to the Public Works Corporation Yard. Granite Construction is located seven miles from and Reed and Graham is located thirteen miles from the Public Works yard respectively. These two suppliers are the only locations within a feasible distance to provide the asphaltic material, which must be delivered hot, to be picked up by the Street Maintenance crews to perform the work.

After seeking informal quotes and reviewing all available regional suppliers, the Purchasing Agent and the Director of Public Works determined that these firms are the only two sources for asphaltic materials within a workable distance for the Street Maintenance crews to pick up the material. Formal advertisements of bids would not change or increase the number of the limited suppliers of "hot asphalt" materials suitable for street patch and repair work. Staff negotiated a fixed price multi-year contract with the two firms. The terms of the contracts are three years, with optional two one-year renewals. The prices include a quarterly price adjustment based on the Liquid Asphaltic Rack Price. The total estimated value for the five years of the contract is \$400,000.

Fiscal Impact: None. Funds for this purchase are available from the Street Maintenance FY 2015-16 operating budget.

Recommendation: Adopt a resolution approving the sole source purchase of asphaltic material from Granite Construction Company and from Reed and Graham Inc. for a not to exceed combined annual amount of \$80,000, and authorize staff to execute the agreements.

- *21. Adopt a Resolution Approving an Agreement Between the City of Milpitas and the Santa Clara Valley Transportation Authority for the Funding of Sole Source Purchase of Paratech, Inc. Urban Search and Rescue Trailer and Equipment from L.N. Curtis & Sons for \$165,359.81 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The Milpitas BART station is currently under construction and is projected to be completed in late 2016 and operational in late 2017. As such, the Milpitas Fire Department is currently preparing for enhanced emergency response operations within the area of the Milpitas BART station and tracks. After reviewing the potential impacts of both the construction phase and the operations phase of the BART system, the need for an increased technical rescue capacity has been identified as an area that will require additional resources from the Milpitas Fire Department due to the unique challenges within the BART guide way and station.

The Milpitas Fire Department has identified the Urban Search & Rescue Trailer by Paratech, Inc. as the appropriate comprehensive rescue trailer equipped to perform lifting and stabilization in significant technical incidents. The inventory includes airbags, stabilization shores, and equipment for the cutting of metal rail cars.

The sole vendor for Paratech, Inc. products and support, including the Paratech Urban Search & Rescue Trailer, in California is LN Curtis & Sons, a fire equipment supplier. LN Curtis & Sons is also the only authorized trade-in and warranty repair work center in the Bay Area region for Paratech Inc. products.

The Paratech, Inc. Urban Search & Rescue Trailer and equipment is compatible with existing Milpitas FD rescue equipment as well as rescue equipment that is currently part of the fire agency mutual aid system in Santa Clara County. Paratech, Inc. shore and struts are part of the Santa Clara County Fire technical rescue cache. It is essential for interoperability that all mutual aid equipment matches Santa Clara County Fire Standards. Section I-2-3.09 of the Milpitas Municipal Code authorizes the City Council to award contracts without competition when the Purchasing Agent determines that there is only one source for the required supply or service.

Fiscal Impact: None. The funding for the purchase of the rescue trailer will be reimbursed by the Santa Clara Valley Transportation Authority.

Recommendations:

1. Approve the agreement with the Santa Clara Valley Transportation Authority for the funding of a sole source purchase of a specialized urban search and rescue trailer from L.N. Curtis & Sons for a total cost of \$165,359.81.
2. Approve a budget appropriation of \$165,359.81 into the Fire Department budget.

- *22. Adopt a Resolution Awarding a Contract to George Bianchi Construction Inc. for 2014 Soundwall Renovation Project No. 4267 and Authorize the Director of Engineering to Execute Contract Change Orders (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On April 21, 2015, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for 2014 Soundwall Renovation, Project No. 4267. The project provides for renovation and repair of City owned precast concrete soundwalls along Jacklin Road and adjacent to Del Rio Court and Tularcitos Creek. The Engineer's Estimate for the project was \$415,000.

The project was advertised and three sealed bids proposal were received on July 21, 2015. The bid pricing ranged from \$385,030 to \$449,800, and no protest was filed. One of the three bids submitted was determined to be nonresponsive. Printex Concrete Products, who submitted the lowest bid, did not possess the required Class B license from the Contractors State License Board as required by the Notice Inviting Bids. Therefore, the lowest responsible bid was submitted by George Bianchi Construction Inc. in the amount of \$406,299.50.

As was previously approved for the successful completion of recent projects with tight completion schedules, staff is requesting the use of the same change order policy (copy of policy is included in the Council agenda packet). This policy allows for the timely completion of the 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 \$40,000; approximately 10% of the total contract value, and the change order authority would not exceed this amount and would not require an additional appropriation.

Alternative: Denial of this request would result in the installation and repairs to the soundwalls not being completed.

California Environmental Quality Act : This project is categorically exempt under Section 15301 of CEQA guidelines for maintenance of existing facilities.

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

Recommendation: Adopt a resolution:

1. Awarding a contract to George Bianchi Construction Inc. and authorize the City Manager to execute the contract for the 2014 Soundwall Renovation Project No. 4267 in the amount of \$406,299.50.
2. Authorize the City's Director of Engineering to execute contract change orders for 2014 Soundwall Renovation Project No. 4267 in the cumulate amount not to exceed \$40,000.

XVIII. AGREEMENTS & BIDS

- *23. Award the Bid to J.J.R. Construction and Authorize the City Manager to Execute a Contract for On-Call Sidewalk Repair, Curbs & Gutters for the Annual Amount Not-to-Exceed \$326,250 and Authorize the Purchasing Agent to Exercise up to Four Annual Renewal Options (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The City's Purchasing Agent worked with Public Works to develop specifications for the Invitation to Bid (IFB) soliciting citywide On-Call Sidewalk Repair, Curbs & Gutters. On May 22, 2015, the invitation was advertised in the local newspaper, on the City website and through the *Public Purchase* electronic procurement website. On June 12, 2015, one bidder responded – JJR Construction for \$336,250.

The award amount is predicated on unit prices per square foot of installed concrete based on eleven different Standard City Engineering Street Drawings. The initial term of the contract to be awarded is one year from August 5, 2015 to August 4, 2016, with four one-year renewal options. The Option to Extend for renewal years includes a compensation adjustment clause stating that price increases shall not exceed the Producer Price Index or 3%, whichever is less, and would be exercised by the Purchasing Agent, subject to appropriation of funds and without further Council approval. J.J.R. Construction is a California corporation. The contract is for five years with a total contract value of \$1,681,250. After posting the Notice of Intent to Award (Pending Bid Results), there was no protest filed.

Fiscal Impact: None. Funding for this purchase is available from the Public Works Department's operating budget and Street Resurfacing Project CIP No. 4280.

Recommendations:

1. Award the bid to J.J.R. Construction and authorize the City Manager to execute the contract for on-call sidewalk repair, curbs & gutters for the annual not-to-exceed amount \$336,250.
2. Authorize the Purchasing Agent to exercise up to four annual renewal options, subject to appropriation of funds and without further City Council approval.

- *24. Award the Bid to Battalion One Fire Protection and Authorize the City Manager to Execute a Contract for Citywide Fire Extinguisher Maintenance and Repair Service Annually Not-to-Exceed \$23,008 and Authorize the Purchasing Agent to Exercise up to Four Annual Renewals (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The City's Purchasing Agent worked with Public Works to develop specifications for the Invitation to Bid (IFB) soliciting citywide Fire Extinguisher Maintenance and Repair. On May 22, 2015, the invitation was advertised in the local newspaper, on the City website and through the *Public Purchase* electronic procurement website. On June 12, 2015, three bidders responded with a summary here:

Bidder	Annual Amount
Battalion One Fire Protection	\$21,008.00
Fire Pro Specialists, Inc.	\$23,075.70
Fireguard Extinguisher Service	\$36,812.21

The initial term of the contract to be awarded is one year from August 5, 2015 to August 4, 2016, with four one-year renewal options. The option to extend for renewal years includes a compensation adjustment clause stating that price increases shall not exceed the Producer Price Index or 5%, whichever is less, and would be exercised by the Purchasing Agent, subject to appropriation of funds and without further Council approval. Battalion One Fire Protection is a California corporation. After posting the Notice of Intent to Award (pending bid results), there was no protest filed.

The award amount is the minimum amount required for the maintenance and repair service but does not allow for any additional services that may arise during the term of the agreement. Staff therefore recommends that \$2,000 be added as a contingency for such work annually, for an annual contract amount of \$23,008. This is a five year contract with a total contract value of \$115,040.

Fiscal Impact: None. Funding for this purchase is available from the Public Works Departments' operating budget.

Recommendations:

1. Award the bid to Battalion One Fire Protection for citywide fire extinguisher maintenance and repair service for the annual not-to-exceed amount \$23,008.00, and authorize the City Manager to execute the contract with Battalion One.
2. Authorize the Purchasing Agent to exercise up to four annual renewal options, subject to appropriation of funds and without further City Council approval.

- *25. Award the Bid to Simplex Grinnell and Authorize the City Manager to Execute a Contract for Citywide Fire Alarm and Fire Suppression System Inspection, Testing, Maintenance and Repair Service for the Annual Not-to-Exceed Amount of \$35,868 and Authorize the Purchasing Agent to Exercise up to Four Annual Renewal Options (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The City's Purchasing Agent worked with Public Works to develop specifications for the Invitation to Bid (IFB) soliciting citywide Fire Alarm and Fire Suppression System Inspection, Testing, Maintenance and Repair Service. On June 12, 2015, the invitation was advertised in the local newspaper, on the City website and through the *Public Purchase* electronic procurement website. On July 6, 2015, five bidders responded with summary here:

Bidder	Annual Amount
Simplex Grinnell	\$28,868.00
Cosco Fire Protection	\$40,405.00
RFI Communications & Security Systems	\$51,210.00
Intelligent Technologies, Inc.	\$51,212.00
Battlion One Fire protection	\$55,438.00

The initial term of the contract to be awarded is one year from August 5, 2015 to August 4, 2016, with four one-year renewal options. The Option to Extend for renewal years includes a compensation adjustment clause stating that price increases shall not exceed the Employment Cost Index or 5%, whichever is less, and would be exercised by the Purchasing Agent, subject to appropriation of funds and without further Council approval. After posting the Notice of Intent to Award (Pending Bid Results), there was no protest filed.

The award amount is the minimum amount required for the maintenance and repair service but does not allow for any additional services that may arise during the term of the agreement. Staff therefore recommends that \$7,000.00 be added as a contingency for such work annually, for a total annual contract amount of \$35,868.00. Simplex Grinnell is a Delaware corporation registered in the State of California. The contract is for five years with a total contract value of \$179,340.00.

Fiscal Impact: None. Funding for this purchase is available from the Public Works Department's operating budget.

Recommendations:

1. Award the bid to Simplex Grinnell for citywide fire alarm and fire suppression system inspection, testing, maintenance and repair service for the annual not-to-exceed amount \$35,868.00, and authorize the City Manager to execute the contract.
2. Authorize the Purchasing Agent to exercise up to four annual renewal options, subject to appropriation of funds and without further City Council approval.

- *26. Approve Amendment No. 1 to the Agreement with JP Graphics Increasing the Value for City Printing Services Annually by \$65,000 for a Total Annual Amount Not-To-Exceed \$135,000 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: On October 24, 2014, City of Milpitas staff released a Request For Proposal (RFP) soliciting printing services for all city departments. Three proposals were received and evaluated across a wide selection of print specifications and specific RFP criteria. The City of Milpitas is not obligated to accept the lowest priced proposal, but rather to accept the proposal which offers an award in the best interests of the City of Milpitas after all factors have been evaluated. The proposal from JP Graphics was determined to be the best value for the City. The previous contract for printing services (which had also been awarded to JP Graphics) averaged just under \$70,000 per year.

The initial term of the contract is one year from February 1, 2015 to January 31, 2016, with four one-year renewal options. The Option to Extend for renewal years includes a compensation adjustment clause stating that price increases shall not exceed the Consumer Price Index or 3%, whichever is less, and would be exercised by the Purchasing Agent, subject to appropriation of funds and without further Council approval. JP Graphics is a California corporation.

The City is growing and the demand for citywide printing services is also growing. Based on expenditures to date, the estimated increase in contract value to meet the City's needs through the first year of the contract has risen to \$135,000. This represents an annual increase of \$65,000 and a new total five year contract amount of \$675,000.

Fiscal Impact: None: This is a programmed expense in the FY 2014-15 and FY 2015-16 operating budgets for the various departments.

Recommendations:

1. Approve Amendment No. 1 to the Agreement with JP Graphics increasing the contract value for citywide printing services annually by \$65,000 for a total not-to-exceed \$135,000.
2. Authorize the Purchasing Agent to exercise up to four annual renewal options, subject to appropriation of funds and without further City Council approval.

***27. Authorize the City Manager to Renew the Agreement between the County of Santa Clara and the City of Milpitas for Emergency Medical Dispatch Services (Staff Contact: Armando Corpuz, 408-586-2534)**

Background: Emergency Medical Dispatching (EMD) is a specialized dispatching service. EMD dispatchers receive specialized training and adhere to the quality assurance and accreditation standards set by the International Academies of Emergency Dispatch. EMD services provide patients with pre-arrival medical instructions and life saving measures via the telephone to on-scene medical/trauma patients and/or anyone tending to the patients' medical needs. Since 2008, the City of Milpitas has contracted with Santa Clara County for EMD services. This contract will expire on June 30, 2020. The cost for EMD services is based on a percentage of usage and, annually, the City of Milpitas' costs have been approximately \$43,000.00.

Fiscal Impact: None. Contract costs are included in the Police Department's approved FY 2015-16 budget and the Police Department will budget for this expense throughout the terms of the contract.

Recommendation: Authorize the City Manager to renew the agreement between the County of Santa Clara and the City of Milpitas for Emergency Medical Dispatch services.

***28. Approve Amendment No. 6 to the Agreement with ACCO Engineered Systems, Inc. for Emergency Repairs to City Hall Heat, Ventilation and Air Conditioning (HVAC) System for an Amount Not-To-Exceed \$113,768.01 (Staff Contact: Nina Hawk, 408-586-2603)**

Background: Per state public contracting law and Council Resolution No. 7779, the Director of Public Works must report all emergency public works repairs to the City Council. On June 3, 2015, the Heat Ventilation and Air Conditioning (HVAC) system at City Hall experienced a coil leak on one of the two chillers. This resulted in a HVAC System malfunction and ambient temperatures within City Hall rose. On June 25, 2015 a second coil leak occurred on the same chiller of the City Hall HVAC system. In an effort to keep temperatures at a safe level, and prevent further damage to the HVAC system, the City proceeded to expedite repairs on both June 3, 2015 and June 25, 2015. Due to the unique nature of the work and urgency, existing City staff could not repair these two coils. The Director of Public Works authorized ACCO Engineering Systems to make emergency repairs for these two coil leaks. During the second coil leak repair, an existing 50 horsepower variable frequency drive motor was failing causing further temperature fluctuations. The variable frequency drive was replaced on June 30, 2015.

The three repairs in June 2015 with ACCO Engineering Systems totaled \$31,864.29.

First Coil Leak- June 3, 2015	\$11,957.00
Second Coil Leak – June 25, 2015	\$12,799.40
Failed Variable Frequency Drive - June 30, 2015	\$ 7,107.89

During the coil leak repairs, the following were identified: the two leaking coils for one chiller needed complete replacement, and a deteriorating supply fan. Without a coil and fan replacement, the HVAC system will continue to fail, cause further damage to the City Hall HVAC system result in significant ambient temperature fluctuations within City Hall.

Estimated total cost for these repairs is:

Coil Replacement	\$63,103.47
Supply Fan Replacement	\$18,800.25

Since the City's HVAC system is a custom built system, the coil requires pre-fabrication significant lead time to procure. Due to the pre-fabrication timeline of 6-8 weeks, the City authorized ACCO Engineering Systems to proceed with pre-fabricating the coil for replacement. Once the coil is fabricated, work to replace the fan, motor and coil will be scheduled immediately and on a weekend to minimize the impact to City Hall. Additionally, this work will require the coordination and use of a crane to properly replace the two coils and fan located on the roof of City Hall.

California Environmental Quality Act: This matter is exempt from CEQA as there will be no physical change to the environment.

Fiscal Impact: None. There are sufficient funds in the Public Works Facilities Maintenance budget to pay the coil leak repairs and variable frequency drive replacement of \$31,864.29. There are sufficient funds in the City's Capital Improvement Project No. 3406 to pay for the coil and supply fan replacement of \$81,903.72. Amendment No. 6 with ACCO Engineered Systems, Inc. will be funded from the City's Public Works Facilities Maintenance budget and the City's Capital Improvement Project No. 3406 for a total not-to-exceed amount of \$113,768.01.

Recommendation: Approve Amendment No. 6 to the agreement with ACCO Engineered Systems, Inc. for emergency repairs to the City Hall HVAC system for the not-to-exceed amount of \$113,768.01.

***29. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Harris & Associates, Inc. for Support Services for Land Development Engineering Division (Staff Contact: Steven Machida, 408-586-3355)**

Background: On April 7, 2015, the City entered into an Agreement with Harris & Associates, Inc., in the amount of \$80,000, to provide support to the Land Development Section, due to current peak work load, development project priorities with new submittals of land development projects, and in order to meet project schedules of current projects and anticipated projects, due various vacant permanent position within the section. On July 1, 2015, the parties amended their agreement, in the amount of \$20,000 to continue providing staffing support to the Land Development Section.

Amendment No. 2 to the Agreement with Harris & Associates is proposed for additional services until hiring process of Principal and Associates Engineers is completed. Harris & Associates services are related to private development projects and are fully reimbursed from developer funds.

Staff estimated, based on work load, a negotiated scope and fee for these services not to exceed \$92,000 which is considered reasonable for the work. Approval of this agreement brings the total agreement amount of \$192,000. Included in the Council's packet is a copy of the proposed amendment to the agreement.

Alternative: Denial of this request would result in delays in the review of development projects causing potential delay claim by developers under the Permit Streamlining Act.

Fiscal Impact: None. Salary savings from the two vacant Associate Civil Engineer and Principal Engineer positions will fund the majority of these staff argumentation services. The remaining consultant expenses are reimbursable through the private development projects. Sufficient funds are available in the budget for these services.

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement with Harris & Associates in the amount of \$92,000.

- *30. Approve Amendment No. 1 to the Agreement with Law Firm of Burke, Williams & Sorensen, LLP for Legal Services Regarding Elimination of Odor (Staff Contacts: Tom Williams, 408-586-3050 and Gary Baum, 408-586-3040)**

Background: Since 2011, the City has been engaged in litigation opposing the expansion of the Newby Island landfill. A law suit based on environmental objections is currently pending before the local appellate court. However, at City Council's direction, the City Attorney's office conducted a nationwide search to find an attorney firm to advise on any other potential means by which to eliminate the offensive odors plaguing the community. Burke, Williams & Sorensen was selected to advise and represent the City regarding the odor problem.

The recommended amendment is the first one to the current agreement to continue with necessary legal and associated representation related to the odor nuisance issues involving the Newby Island Landfill. The amendment document and the scope of services (as Exhibit) are included in the Council agenda packet.

Fiscal Impact: None. There are sufficient funds in the City's contingency reserve for the additional and amended services. The budget to fund the first amendment to the current agreement is a not-to-exceed amount of \$120,000.

Recommendation: Approve Amendment No. 1 to the current Agreement with the law firm of Burke, Williams & Sorensen for legal services regarding elimination of odors.

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, AUGUST 18, 2015 AT 7:00 P.M.**

July 2015						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September 2015						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MILPITAS CITY COUNCIL CALENDAR

August 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 10:00 AM -Silicon Valley Rapid Transit Program Working Committee (JE) 7:00 PM -Parks, Recreation & Cultural Resources Commission (GB)	4 6:00 PM -Closed Session 7:00 PM -City Council	5 7:30 AM -Santa Clara VTA Northeast Group (JE) 5:30 PM -Veterans Commission (DG) 7:00 PM -Community Advisory Commission (CM)	6 5:30 PM -Santa Clara VTA Board of Directors (JE)	7	8
9	10 2:00 PM -Milpitas Oversight Board 6:00 PM -Economic Development Commission (CM)	11	12 7:00 PM -Planning Commission	13 4:00 PM -Santa Clara VTA Policy Advisory Committee (CM) 4:30 PM -Treatment Plant Advisory Committee (JE) (San Jose) 7:00 PM -Youth Advisory Commission (DG) 7:00 PM -Cities Assoc of SCC (JE)	14	15
16	17 6:00 PM -Campaign Finance Reform Committee 7:00 PM -Telecommunications Commission (GB)	18 6:00 PM -Closed Session 7:00 PM -City Council	19	20 10:00 AM -Santa Clara VTA Congestion Management Program & Planning Committee (JE)	21	22
23	24	25 1:30 PM -Senior Advisory Commission (JE)	26 7:00 PM -Planning Commission	27 12:00 PM -Terrace Gardens Board of Directors (DG) 5:30 PM -Milpitas Chamber of Commerce Board (DG) 6:00 PM -Sister Cities Commission (MG)	28	29
30	31					

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Joint Meeting of Milpitas City Council and the Housing Authority Commission
Date: Tuesday, June 16, 2015
Time: 5:30 Housing Authority, 6:00 PM Closed Session
7:00 PM Regular Meeting
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 5:30 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Giordano and Grilli

ABSENT: Councilmember Barbadillo was absent at roll call. He arrived in Closed Session.

HOUSING AUTHORITY

City Manager Tom Williams reviewed actions implementing the terms of the existing Development and Disposition Agreement for the South Main Senior Lifestyles development project. At this time, there were administrative actions to be made by the City Manager and he wanted to seek concurrence of the City Council/Housing Authority.

South Main Senior Lifestyles is a project that would contain 389 senior housing units at the 5.94 acre site on South Main Street, previously in the city's Redevelopment Agency area. 48 units would be allocated for low-income seniors.

Councilmembers asked various questions about the project, including on the low-income units to be built, offered for sale to seniors in Phase 1. It was the first section to be built with congregate care units and then later Phase II with the majority of residential units would be built.

Two items that were requested at this meeting were: an extension of time to complete the project and transfer of ownership from Mr. Callahan's firm to the Wolff companies. Integral Senior Living would be the operator for Phase 1 of South Main Senior Lifestyles project.

Mr. Joe Callahan addressed the Council, and introduced the new partner in the project, The Wolff Company. He introduced Mike Milpott from Wolff, who provided some company history and information on the financing of the project in two phases. Ms. Collette Valentine from ISL addressed the Council too, describing her company as the third largest operator of senior living facilities in California.

Vice Mayor Montano recommended a clear walking path with flashing beacons at this site and on streets nearby to allow seniors to safely cross near Great Mall Parkway at Main St. The City Manager responded to her regarding some of the scheduled improvements planned for the Transit Area Specific Plan area.

Councilmember Grilli offered compliments to Mr. Callahan for this proposed project, which she viewed as a welcome addition to the Milpitas community. He renewed his offer to City Council members to go on a tour of the Livermore site (his first-built similar senior housing).

City Manager Williams then noted that no formal action of the City Council was required while a vote of concurrence would be welcome.

Motion: to accept the report and presentation by staff and the developers of South Main Senior Lifestyles project, providing concurrence with the City Manager's administrative approval of the

transference of the Disposition and Development Agreement to a new corporate entity and permitting extension of time for completion, if needed

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

CLOSED SESSION

City Council convened to Closed Session at 6:00 PM to discuss three issues.

ANNOUNCEMENT

No announcement was made out of Closed Session.

City Council convened in Open Session at 7:47 PM.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Mayor Esteves invited James Yu to offer the prayer for invocation.

MEETING MINUTES

Motion: to approve the minutes of May 11 and June 2, 2015 City Council meetings

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for June and July 2015, as amended

City Manager Tom Williams announced that the Sister Cities Commission would not meet in June or July, with its next meeting on August 27. The Planning Commission subcommittee would meet the following evening on Wednesday, July 17 at 5:30 PM.

Mayor Esteves announced that on June 18 and July 16, there would be no Congestion Management Group meeting. On July 2, the Santa Clara Valley Transportation Authority Board of Directors would not meet..

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves presented a commendation to Agape Mobile Dental Bus at the Senior Center. Dentists and staff provide free dental service to seniors who need it at this facility.

The Mayor presented the Youth Advisory Commission's Scholarship Award to Charles "David" Olivar, a recent graduate of Milpitas High School who will attend UC Berkeley.

Mayor Esteves proclaimed July 2015 as *Parks & Recreation Month*. It was accepted by Dr. Van La, a long-time Milpitas resident, who volunteered with her family for many Recreation events and programs, including providing translation services.

Commendations were presented to Milpitas Police Department, accepted by Chief Pangelinan, to Library Staff Debra Serrano, and to Santa Clara Valley Transportation Authority Bus Driver Tim Watson for the recent safe return of a child abducted from the Milpitas Library.

PUBLIC FORUM

Isaac Hughes, Milpitas resident, read from a report from San Jose Animal Services, about a dog bite incident in Milpitas, and made additional comments about that.

Robert Marini, Milpitas resident, asked if utility rates would be part of agenda item no. 3, and so he would return on that. He said some computers at the Senior Center did not work.

Voltaire Montemayor, Milpitas resident, said this City was great and mentioned great aspects of the City. He said to be ready for earthquakes and that he was a happy resident.

ANNOUNCEMENTS

Councilmember Giordano congratulated the City Manager and staff, school board and colleagues on Milpitas' recent rating as one of the best family friendly cities in America, according to the www.niche.com website.

Vice Mayor Montano mentioned the Youth Advisory Commission's latest event - a Math-a-thon which was a recent success with very bright kids competing. She announced that the American Cancer Society's Relay for Life fundraising event would be held on Saturday and Sunday at the Milpitas Sports Center.

Mayor Esteves announced a Buddhist event, with free medical services outreach program on Dempsey Road on Sunday, June 21 from 9 AM to 3 PM - open to all Milpitas residents.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted with one change in order

Councilmember Giordano asked to move item no. 5 (report from City Attorney Subcommittee) up to be heard after Unfinished Business, following the public hearing item.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar items (noted by *asterisk), as amended

City Manager Tom Williams requested to remove Item No. 17 from consent (resolution on affordable housing policy).

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

* 4. Commissions

Approved the following appointments to Commissions as follows and recommended by Mayor Esteves:

Emergency Preparedness Commission: re-appointed Mike Berryhill, Evelyn Chua and Nasir Lalani as regular voting members to terms that will expire in June 2018. Re-appointed Jonathan Nakapalau as Alternate No. 1 and Christine Tran as Alternate No. 2 to terms that will expire in June 2017.

Library Advisory Commission: re-appointed Marie Pham as a regular voting member to a term that will expire in June 2017. Re-appointed Nonie McDonald as Alternate No. 2 to a term that will expire in June 2017.

Parks, Recreation and Cultural Resources Commission: re-appoint Steve Munzel and Rohit Sharma as regular voting members to terms that will expire in June 2018.

* 6. CAC Workplan

Accepted and approved the 2016 Community Advisory Commission Work Plan.

* 7. EPC Bylaws	Approved changes to the Emergency Preparedness Commission By- Laws as recommended by Commissioners.
*10. Donation Request	Approved a donation of \$500 to the Alliance Renewal Kingdom Ministries for its SAM camp in the summer.
*11. Fee Waiver Request	Waived the fees of \$1,480 for rental of the Community Center Auditorium as requested by South Bay Kids music group for its fundraiser on July 11, 2015.
*12. Ordinance No. 65.144	Waived the second reading and adopted Ordinance No. 65.144 regarding solar permit streamlining.
*13. Ordinance No. 208.51	Waived the second reading and adopted Ordinance No. 208.51 amending Section VIII.2-5.38 of the Milpitas Municipal Code.
*14. Resolution - Accept Project No. 3402	Adopted Resolution No. 8488 granting initial acceptance of the McCarthy Blvd. Lighting & Landscape Improvements, Projects No. 3402, subject to a one year warranty period, and reduction of the faithful performance bond to \$35,284.52; and granting authorization to the Director of Engineering to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
*15. Resolution – for Automated Water Meters	Adopted Resolution No. 8489 approving plans and specifications for Automated Water Meter (Phase 1), Project No. 7121; awarding a contract to Preston Pipelines and authorizing the City Manager to execute the contract for the Automated Water Meter (Phase 1), Project No. 7121, in the amount of \$308,600.00; and authorizing the Director of Engineering to negotiate execute contract change orders for Automated Water Meter (Phase 1), in the cumulate amount not to exceed \$46,000.
*16. Resolution – Unclaimed Checks	Adopted Resolution No. 8490 transferring a total of \$3,487.34 in unclaimed checks and credits, per the list generated by the City’s Finance Department to the General Fund and according to standard operating procedure.
*18. Senior Nutrition Program	Approved Amendment No. 5 to the Master Agreement with the County of Santa Clara for the Senior Nutrition Program extending the term to June 30, 2016.
*19. Excess Workers Comp.	Authorized the City Manager to pay Brown & Brown of California the premium rate of \$132,691 and authorized Safety National Casualty Corporation to provide for the City’s excess workers’ compensation insurance for FY 2015-16.
*20. Purchase LED lights	Authorized the purchase of 1,750 LED retrofit street lights in the total amount of \$206,625.00 from HD Supply Power Solutions.
*21. Recreation vendors	Approved nine separate agreements between the City of Milpitas and the nine vendors for classes and camps in their appropriate dollar amounts for Fiscal Year 2015-16.
*22. Recology South Bay	Approved a Non-Exclusive Collection, Transportation and Recycling of Non-Putrescible Debris Agreement with Recology South Bay.
*23. Soundwall Renovation	Rejected the apparent low bid from OnPoint Construction in the amount of \$594,827, and authorized staff to repackage and re-advertise the project for bid proposals for the 2014 Soundwall Renovation, Project No. 4267.
*24. Agreements with RMC Water and Environment	1) Approved a consultant agreement with RMC Water & Environment for engineering services in the amount of \$482,792 for CIP No. 7118. 2) Approved a consultant agreement with RMC Water & Environment for engineering services in the amount of \$26,559 for CIP No. 7126 (per budget appropriation approval in the public hearing matter on this agenda regarding water conservation).

- 3) Approved Amendment No.2 to the consultant services agreement with RMC Water and Environment for Utility Engineering support in the amount of \$42,000.
- 4) Approved budget appropriation of \$482,792 from the Water Fund to CIP No. 7118.

- *25. Water Solutions Inc. 1) Approved a consultant agreement with Water Solutions, Inc. for engineering services in the amount of \$427,000.
 2) Approved a new Capital Improvement Project, Supervisory Control and Data Acquisition (SCADA), Project No. 7127.
 3) Approved budget appropriation in the amount of \$50,000 from the Water Fund to Project No. 7127.
- *26. HydroScience Approved a consultant agreement with HydroScience Engineers, Inc. for engineering services in the amount of \$51,000 for CIP No.7126.
- *27. Biggs Cardosa Assoc. Approved Amendment No. 1 to the agreement with Biggs Cardosa Associates, Inc. in the amount of \$6,900.00 and extend the term to June 17, 2016 for the Midtown Parking Garage Fire Door Conversion, Project No. 3407.
- *28. Milpitas Sports Center Pool Repair Project Approved pre-qualified bidders list for the Milpitas Sports Center Pool Repair Project No. 3408. Approved plans and specifications for Milpitas Sports Center Pool Repair and authorized the advertisement for bid proposals from pre-qualified bidders.
- *29. Silicon Valley Regional Interoperability Authority Approved and authorized the City Manager to execute the agreement with the Silicon Valley Regional Interoperability Authority (SVRIA).

PUBLIC HEARING

- 1. Water Conservation** City Engineer Steven Machida gave a report on the drought, supply of water, and recent requirements by state Governor and local suppliers (SCVWD and SFPUC) to reduce water use. He provided a great deal of data and information about the current situation statewide and here in Milpitas on water usage.
- Items for the City Council to consider this evening, which he explained in detail:
 1) Water conservation program, including increased use of recycled water, 2) Water conservation measures, 3) Water rationing program and, 4) Golf courses request for water.
- Vice Mayor Montano strongly urged placing a door hanger on Milpitas residential customers homes, so that all customers understood about the drought and steps to take.
- There was some discussion on specific recommended times for watering in the City. Staff had recommended 8:00 am to 8:00 pm in order to best conduct enforcement efforts. Vice Mayor Montano wanted to recommend different hours for allowing watering. Council member Grilli felt it did not make sense to encourage watering in the afternoon, during the heat of the day.
- Vice Mayor Montano asked staff about specific amounts of water used for various household uses of water by residences.
- Mr. Machida explained a newer request for water to serve hillside golf courses in Milpitas. Staff's recommendation was to deny that request, based on the need to reduce consumption and a lack of method to move recycled water up those hills. They were working with the two golf courses to locate possible other water sources.
- Councilmember Giordano asked what was happening with San Francisco Public Utilities Commission (since Santa Clara Valley Water District was mentioned). She wondered if customers would be penalized if the full water allocation was not purchased. "Take or pay" approach was explained and a lowered allocation amount. Mr. Machida stressed the need for much more outreach before any penalties.

Councilmember Barbadillo asked about the current allocation for Milpitas. Staff said it was based on a tiered system. He also asked about conservation programs in place prior to the current proposals for meeting the statewide 30% reduction required.

Next, Mayor Esteves opened the public hearing at 9:27 PM and invited speakers.

Garry Long, a Silvera St. resident, asked if renters who were abusing water could have the landlord penalize the tenants. If the City was fined by SCVWD or Hetch Hetchy, then the biggest reason would be due to the thousands of new residents coming in to the city. He wanted to know if the fine to the City would be passed on to customers then.

Robert Marini, Milpitas resident, commented on a lose-lose situation for the water situation and drought. The City already overcharged for water as it is and City ought to reward people for conservation.

Greg Jenner, of Spring Valley Golf Course, had worked with staff on its request for temporary water and seeking recycled water extension pipeline at the golf courses on the hill. He understood the staff recommendation and the golf courses did get temporary water supply from SCVWD. He thanked the City.

Heidi Wolff-Reid, Yosemite Drive resident, appreciated this mandate and some people should be penalized for over-watering. Monitoring water use of a building she owned, she checked monthly usage. Having a system to monitor it in real time would be so helpful, rather than the three months later when the bill comes. She was stymied by the times for water suggested by the staff recommendation.

Voltaire Montemayor, Milpitas resident, stated those efforts he agreed with. A solution to the drought could include managing reservoirs.

Frank Serpa, Calaveras Rd resident, said last year water stopped and he had a well for 47 years but it stopped. He got enough water so far for this year. He asked if wells were banned on city property and commented more must be done to conserve.

Tom Valore, Cardiff Place resident, just received his water bill but the next one would not come until the end of August. That was well into the summer to learn about his household water use. Financial penalties were not particularly useful, but those who could not afford those would hurt more. Water storage needed emphasis, he believed.

(1) Motion: to close the public hearing, after hearing seven speakers

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to adopt Resolution No. 8487 to (i) approve a Water Conservation Plan due to state water shortage, (ii) approve a new Capital Improvement Program project No. 7126 titled Water Conservation Program; (iii) approve budget appropriations of \$600,000 from the Water Fund and \$200,000 from the Park Funds, and (iv) deny requests from two Milpitas hillside golf courses for temporary emergency water supply

The motion also included specified hours for watering landscaping from 6:00 to 10:00 AM and 7:00 to 9:00 PM.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Councilmember Grilli asked if the motion included an adjustment to landscape watering times (as different from the staff recommendation). Councilmember Giordano then amended her motion to the specified hours noted.

Motion carried by a vote of:

AYES: 5
NOES: 0

City Attorney Ogaz read aloud the title of Urgency Ordinance No. 240.3 “An Urgency Ordinance of the City Council of the City of Milpitas Amending Chapter 6 of Title VIII of the Milpitas Municipal Code relating to Supplemental Water Use Restrictions as Required by State Law.”

(3) Motion: to waive the reading of the Ordinance No. 240.3

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:

AYES: 5
NOES: 0

(4) Motion: to adopt Urgency Ordinance No. 240.3 for immediate water conservation efforts in Milpitas

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:

AYES: 5
NOES: 0

At 9:51 PM, City Council took a break and reconvened at 10:01 PM.

UNFINISHED BUSINESS

2. RFP For Solid Waste Contract

City Engineer Steven Machida reported that the City was ready to go out for the Request for Proposals step in the process for solid waste services. He introduced Peter Deibler from the consultant firm, HF&H, and asked the City Council to release the RFP package next week. He discussed key terms of the contract. Mr. Machida commented on the next steps on the contract process, which included an amendment to the City’s contract with HF&H to continue their work.

Vice Mayor Montano asked the consultant if he would foresee any bumps in the transition of services if another contractor selected, compared to the current one. Mr. Deibler responded those were tricky, but his company had helped assist with that a couple times.

Mayor Esteves remarked that all current services would be retained in a new RFP. The Mayor wondered if the garbage collector would do once a year curbside pick up of large items only. Mr. Deibler replied that the team already included in the RFP the availability of on-call four times per year for special pick up.

Next, the Mayor invited speakers from the audience.

Garry Long, a Silveira Street resident, did not hear mention of “Dump Day” and would like to make sure that was included, since it was so helpful to residents. He urged having a debris box at home for a reduced rate, once per year.

Tom Valore, Cardiff Place resident, said the City was prohibiting submission of a proposal to get the best service for the best price. Disposal and hauling should be with one company, not separate submittals.

Voltaire Montemayor, Milpitas resident, said a good program was set up now with recyclables and other items put on the curb for pick-up.

Robert Marini, Milpitas resident, asked about the length of time of a contract. He wondered what residents could do if unhappy with service after just a few years.

Motion: to direct staff to issue a Request for Proposals for collection and disposal of solid waste, recyclables, and organics; and, approve Amendment No. 1 to the consultant agreement with HF&H Consultants for solid waste procurement services for \$49,925 for the Capital Improvement Program, Project No. 3401

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

**3. Info on Water and Sewer
Rate Calculations**

This item was not heard and would be continued to the next City Council meeting.

REPORT

**5. City Council City Attorney
Subcommittee**

Councilmember Giordano reported that the City Attorney Subcommittee met twice (including Councilmember Grilli) and brought information and action items for this meeting. She thanked the Mayor for allowing the subcommittee to look at costs of the City Attorney's office, and she had served on the subcommittee in the past starting in 2005. She provided some history of past review of contract City Attorney services versus in-house. She compared costs in the cities of Campbell, Mountain View and Redwood City. Ms. Giordano noted the lack of considering costs for contracted outside legal services the last time. It was estimated to be a 20-40% savings, she calculated. The Subcommittee recommended going out for a Request for Proposals for outside legal services to save costs for Attorney services in the budget.

Councilmember Grilli referred to the request by the City Attorney to hire one new Deputy City Attorney, and how that would or would not save costs for outside legal services. She agreed with the report just stated by Councilmember Giordano. Ms. Grilli noted the varied areas of expertise available when using an outside legal firm, such as she had experienced when serving on the School Board.

Councilmember Barbadillo asked if the recommendation was to abolish the current in-house office of City Attorney and Councilmember Giordano said yes. He then asked if the Subcommittee considered the growth of Milpitas, in population and in more complex issues coming, including the Transit Area Specific Plan for example. Councilmember Grilli responded yes, in discussion of the needs of the City.

Vice Mayor Montano asked Councilmember Grilli what percent of legal services were for outside counsel, how much was spent on outside cases for how many hours, and did the City prevail. Outside specialists for outside legal services could charge high rates up to \$400 per hour. She commented on the accessibility of in-house, full time Attorney.

Mayor Esteves responded to the Vice Mayor, that last time the City contracted out, the City Attorney was present in the City offices.

After the City Council discussed some of the material provided in the agenda packet, City Attorney Mike Ogaz commented that there were differences of opinion on costs. He gave a memo to the Subcommittee, describing cost savings to have in-house counsel with some need always for outside counsel. He provided a variety of facts on court and other legal matters his office had handled in the last eight years. His memo to the Subcommittee noted that Attachment B (to a memo from City Manager) had referred to \$2.5 million in outside costs, which included ABAG costs for counsel that were not part of his budget or his department. Those ABAG fees would continue no matter what, in or outside, which should be \$1.8 million.

Councilmember Barbadillo asked Mr. Ogaz asked what else his office did beyond the court cases. Mr. Ogaz read from a lengthy memo he wrote to answer that.

Councilmember Barbadillo asked of the Subcommittee members, were all of those duties of the City Attorney considered in their report and Councilmember Giordano said yes.

Mayor Esteves felt the issue was: what structure for legal services should the City have. He was more in favor of retaining contracted legal services with opportunity for access to a versatile expertise in lawyers in all subject areas. In terms of accessibility, the attorneys would be always available. Rates would be the negotiated rate in the contract.

Next, the Mayor asked for comments from the audience.

Robert Marini, Milpitas resident, wanted to know if the effort was to eliminate or reduce current staff altogether. Some laws on the books regarding sewer rates were supposed to be proportional, and he had not heard the City Attorney advise Council of this fact.

Voltaire Montemayor, Milpitas resident, urged the City Council conserve the talent, with sides, flow, and productivity.

Vice Mayor Montano noted the population of the compared cities was much different than Milpitas, a unique city with lots of projects and cases going on right now with the current City Attorney, including defending police officers. The City was already outsourcing parks services. She felt there was a need to have a legal attorney to call our own, who was accessible all the time. It was important she felt to keep the City Attorney and keep the position in-house versus contracted out.

Councilmember Barbadillo urged his colleagues to not just consider cost savings on this issue, but rather all factors. He urged others to “deal with it” if there was a problem with current staff in City Attorney office and to define what the problem truly was.

Mayor Esteves responded to him, repeating what he had said earlier about the structure of the City Attorney’s office.

Councilmember Grilli had no issues with any employee of the City Attorney’s office. Her concern was with the request for additional staff and the need to keep costs down. She wanted to maintain quality of life for residents in this community, by controlling costs.

Motion: 1) to go to a contract legal service, 2) immediately go to a Request for Proposals (RFP) process (could use examples from other cities that have done so) with the Assistant City Manager helping to facilitate the RFP process, and/or hire an outside legal consultant to work with the ACM to do the RFP process, and 3) set a meeting in Closed Session of the City Council by the first week of July to address the current legal staff that’s in place right now

Motion/Second: Councilmember Giordano/Councilmember Grilli

City Attorney Ogaz commented on the first part of the motion, which was not on the agenda for going to contract legal services. Mr. Ogaz said the Council would go beyond Brown Act to consider the first item. He suggested restricting the motion to the second item and third item in the motion.

Councilmember Giordano expressed her intent was to look at and go forward with contract out legal services, otherwise they would not implement the RFP process.

Mayor Esteves said he was not a lawyer. When he requested for this to be on the agenda, he said it should be more than information; rather, as an action item for the Council. He commented on what the recommendation of the City Attorney subcommittee was, as the staff report noted. He was comfortable voting on the recommendation of the subcommittee. The Mayor repeated the motion that was made by Councilmember Giordano.

Motion carried by a vote of:

AYES: 3

NOES: 2 (Montano, Barbadillo)

NEW BUSINESS

8. Ballot Measures T and Z

This item was not heard and would be continued to the next City Council meeting.

9. Quarterly Economic Development Report

This item was not heard and would be continued to the next City Council meeting.

ORDINANCES

Two ordinances were adopted on the consent calendar.

RESOLUTIONS

Three resolutions were adopted on the consent calendar.

17. Resolution - affordable housing policy

City Manager Williams had asked to remove this item from consent, due to a request from the BIA organization to address it. However, the representative from that organization was no longer present (at 11:24 PM).

Councilmember Grilli supported the goal of providing affordable housing, but needed a legal opinion as to how defensible the policy would be. She had concerns that the City would be liable, if challenged, since the nexus study was not yet completed. It was a matter of the legal standing issue.

City Attorney Ogaz commented back to her that this policy would be supportable from his point of view (especially due to a court decision about San Jose announced this week.).

Mayor Esteves felt the 5% amount in the proposed policy was a good effort, and he would support it.

Motion: to adopt Resolution No. 8491 approving condition of approval language to require affordable housing in all new residential developments

Motion/Second: Vice Mayor Montano/Mayor Esteves

Motion carried by a vote of:

AYES: 3

NOES: 2 (Grilli, Giordano)

AGREEMENTS

Twelve items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the joint meeting at 11:30 PM.

*Meeting minutes drafted and respectfully submitted by
Mary Lavelle, City Clerk*

***Draft* MEETING MINUTES**
CITY OF MILPITAS

Minutes of:	Special Meeting of Milpitas City Council
Date:	Wednesday, July 1, 2015
Time:	3:30 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 3:30 PM. The Deputy City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Giordano and Grilli

ABSENT: Councilmember Barbadillo

PUBLIC FORUM

None.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST
AND CAMPAIGN
CONTRIBUTIONS**

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions regarding any of the items on this meeting's agenda. He further advised the City Council that the second request for a response, namely for the question involving any campaign contributions received by any member of the City Council, was unnecessary since there were no contracts or development projects that were being considered for today's meeting.

Mayor Esteves and Councilmember Grilli disclosed that they have received campaign contributions from the developers involved with The Crossings project. Mayor Esteves pointed out that this disclosure was the same one that he made in previous meetings.

AGENDA APPROVAL

Councilmember Giordano motioned and Vice Mayor Montano seconded the approval of the agenda. The motion was approved by unanimous vote of the Council.

**VI. HOUSING AUTHORITY
COMMISSION**

City Attorney Ogaz advised City Council that the bond issuance currently being discussed was already approved by City Council in a previous meeting. He explained that the bond issuance required a standard subordination agreement with the Housing Authority Commission since it is the Successor Agency (SA) to the Redevelopment Agency in terms of housing-related assets and projects. He further explained that the Resolution, if adopted by City Council today, would give City Manager Williams the permission and authority to sign the subordination agreement in behalf of the City. He added that City Manager Williams, Assistant City Manager Karlen, and he would be there to answer any questions that the City Council might have during the meeting.

City Attorney Ogaz then recommended for the City Council to adopt the Resolution.

Motion: For Council to adopt a Resolution approving a subordination agreement relative to bond issuance for The Crossings at Montague Residential Development.

Motion/Second: Vice Mayor Montano / Councilmember Giordano

Motion carried by a vote of:

AYES: 4

NOES: 0

VII. CLOSED SESSION

City Council went into closed session. Special Meeting was reconvened at 4:44 PM.

VIII. CLOSED SESSION ANNOUNCEMENT

The City's outside legal counsel, Attorney Janet Sommer from Burke, Williams & Sorensen LLP, announced that the City Council voted to terminate City Attorney Ogaz's contract and employment with the City effective immediately after tonight's City Council Special Meeting. The motion was carried by a vote of 3 to 1 in favor of terminating City Attorney Ogaz, with Vice Mayor Montano voting "no."

IX. NEW BUSINESS (OPEN SESSION)

In regards to the Request for Proposal (RFP) for the City's Outsourcing of City Attorney Services

City Manager Williams said that City Council's approval was being sought so that the City could proceed with a Request for Proposal (RFP) process for contract-based City Attorney services.

Assistant City Manager and Finance Director Karlen, through her presentation, asked for further Council direction regarding outsourcing City Attorney services. She said that staff, with City Council's approval, would be able to release the RFP as early as the following day (July 2, 2015). The deadline for submitting proposals would be July 27, 2015. She added that the intention was for the City Attorney Subcommittee to review and screen proposals, interview qualified candidates, and select the successful candidate within 2 weeks after the July 27th deadline. If the timeline was met, the Subcommittee would report back on the RFP results and City staff would seek City Council to approve the agreement to secure outsourced City Attorney services. In addition, she explained that the City Attorney services contract would be for an original 3-year term with renewal option clauses. Aside from general legal services as needed, the successful candidate would attend City Council and Planning Commission meetings, and furnish legal services for litigation and other specialized needs.

Councilmember Giordano commented that the RFP looked good. In terms of the timeline, she proposed to extend the timeline to 2 to 3 weeks. She then asked Assistant City Manager Karlen as to how long would a conventional RFP process would take, and whether the tight timeline was doable. Assistant City Manager Karlen replied that the deadline she outlined before City Council was achievable, but staff was open to extending the deadline should City Council wish to do so.

Mayor Esteves said he was in favor of City staff's proposed timeline as long as it did not sacrifice the quality and broadness of the RFP candidate pool.

Councilmember Giordano proposed that the RFP deadline be moved to August 15, 2015, or for the Council to approve the agreement between the City and the successful RFP candidate on the first Council Meeting in September 2015. She also reminded the rest of the City Council that they also need to address the City's need for an interim City Attorney. She further proposed to meet Friday morning (July 3, 2015) to address the issue in public session.

Mayor Esteves proposed to have the discussion regarding the interim City Attorney after City Council has voted regarding the RFP matter before them.

Vice Mayor Montano agreed and supported City staff overall recommendation and proposed timeline.

Councilmember Giordano reiterated the importance of the City giving everyone enough time to respond to the RFP and for the City to have enough time to select from a good pool of candidates. She explained that the City's legal needs would be furnished by an interim City Attorney during the RFP process, so there would not be a pressing need to speed up the RFP process.

Mayor Esteves asked Assistant City Manager Karlen as to when the new contract-based City Attorney services would start should City Council moved the approval of the agreement to the first Council Meeting in September 2015. Assistant City Manager Karlen replied that the contract-based City Attorney services would start once the agreement between the City and the successful legal firm is executed.

Mayor Esteves then asked Assistant City Manager Karlen if the proposed RFP timeline she presented before City Council would be enough time to harness a good candidate pool. Replying “yes” to the inquiry, Assistant City Manager Karlen further added that the currently-proposed 26-day timeline would deliver the results that the City Council.

After Councilmember Giordano stated that that she would move for City Council to approve the RFP, Mayor Esteves said that he would also support the deadline to be extended to August 15, 2015. He added that since the City would have an interim City Attorney during the RFP process, the City should give more potential candidates the opportunity to respond to the RFP.

Motion: Direct City staff to proceed with the RFP process in search for outsourced long-term legal services. The RFP will be released tomorrow, July 2, 2015. City staff is further directed to secure the services of an interim City Attorney for 60 days or until the RFP process is completed.

City Council further directs staff to extend the RFP to August 15, 2015, with the expectation for City Attorney Subcommittee to report back regarding the RFP process and for City staff to present the contract-based City Attorney services agreement for City Council approval in September 2015.

Motion/Second: Councilmember Giordano / Councilmember Grilli

Motion carried by a vote of:

AYES: 4

NOES: 0

In regards to securing the services of an Interim City Attorney

Mayor Esteves re-opened the discussion of the City securing the services of an interim City Attorney.

Motion: For City Council to have a Special Meeting to discuss the selection of an Interim City Attorney until the City completes its Request for Proposal (RFP). The Special Meeting would be held on July 3, 2015 at 8:00 AM.

Motion/Second: Councilmember Giordano / Councilmember Grilli

Motion carried by a vote of:

AYES: 4

NOES: 0

ADJOURNMENT

Mayor Esteves adjourned the meeting at **4:57** PM.

*Meeting minutes drafted and respectfully submitted by
Pam Caronongan, Deputy City Clerk*

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Special Meeting of Milpitas City Council
Date:	Friday, July 3, 2015
Time:	8:00 AM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 8:00 AM. The Deputy City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Giordano and Grilli

ABSENT: Councilmember Barbadillo

**CLOSED SESSION
ANNOUNCEMENT**

There was no Closed Session for this meeting.

PUBLIC FORUM

Citizen Rob Means, 1421 Yellowstone Ave. Milpitas resident, spoke about global climate changes and reducing worldwide carbon content. He encouraged everyone to make major ecologically sound changes such as alternative transportation to minimize carbon emissions. This is in hoo preserve and restore the Earth if we wish for the Earth to sustain life.

Vice Mayor Montano agreed with Citizen Mean's comments. She referred to *Quinto Sol* or *Fifth Sun* as translated in English—the Aztec legend in which the Fifth Sun will be the last one to set in this lifetime and with all life ending due to extreme global heat.

AGENDA APPROVAL

Councilmember Giordano motioned and Vice Mayor Montano seconded the approval of the agenda. The motion was approved by unanimous vote of the Council.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST
AND CAMPAIGN
CONTRIBUTIONS**

City Manager Williams asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

**1. UNFINISHED BUSINESS -
INTERIM CITY ATTORNEY
SERVICES**

Mayor Esteves explained that the City does not have an in-house City Attorney since the adjournment of the July 1, 2015 special meeting. He also said that City Council recently voted to hire an interim City Attorney to serve the City's legal needs while the City secures an agreement for outsourced legal services via a Request for Proposal (RFP) process.

Mayor Esteves opened the discussion of hiring an interim City Attorney while the City undergoes a formal Request for Proposal (RFP) process to secure an outsourced or contracted City Attorney services. He clarified that the candidates being considered for interim City Attorney will not be participating in the RFP process, thus ensuring that objectivity and clarity in direction is maintained and upheld throughout the entire process.

The City Council were considering the following 6 candidates for interim City Attorney:

1. Attorney Valerie Armento (Atkinson Farasyn, a Mountain View law firm)
2. Attorney Gary Baum (Law Offices of Gary M. Baum)
3. Attorney Claire Lai (Part-Time / Temporary Deputy City Attorney for the City of Milpitas)
4. Attorney Jonathan Lowell (City Attorney for the City of Pleasanton)
5. Attorney Judy Robbins (Private Practice)
6. Attorney Gregory Rubens (Aaronson Dickerson et al)

Mayor Esteves addressed the rest of the Council if there were additional names to be added to the list. Since no one had spoken, no names were added to the list. He then suggested for the City Manager's office to negotiate and secure a contract starting from the top candidate selected. He also said that the City Manager did not have to return before City Council for approval of the agreement to secure Interim City Attorney services.

Councilmember Giordano asked Mayor Esteves for clarification regarding the scope of services that the interim City Attorney would cover and how long he or she would be serving the City.

Mayor Esteves replied that the interim City Attorney would serve for approximately 3 months or until the City's RFP process is complete and a contract is signed between the City and the new outsourced City Attorney. He also added that the interim City Attorney will also assist staff and the new City Attorney to ensure a smooth transition phase.

In turn, Councilmember Giordano stated that she would like to hear from Mayor Esteves his top 3 candidates in mind since he would be the one working more intensely with the interim City Attorney.

Vice Mayor Montano agreed with Mayor Esteves' suggestion of having all the Council members present rank the 6 candidates and getting the "Top 3" candidates from the tabulated results. She added that it was important for all the Council members' voices to be heard.

The City Council then discussed and came up with the following 3 methods of voting, tabulating, and narrowing down the list to the "Top 3" candidates:

1. The 6 candidates would be ranked from 1 to 6, with 1 being the top choice and 6 being the last choice. Each member would have 1 vote.
2. The 6 candidates would be ranked from 1 to 6, with 1 being the top choice and 6 being the last choice. The Mayor's vote would count as 2 votes, while the remaining Council members' votes would count as 1 vote each.
3. Mayor Esteves would share his "Top 3" candidates. The Council would rank the 3 candidates from 1 to 3, with 1 being the top choice and 3 being the last choice. Each member would have 1 vote.

Mayor Esteves and Councilmembers Grilli and Giordano selected Method No. 3 to determine the "Top 3" candidates. Vice Mayor Montano did not agree with the majority's selected method.

Mayor Esteves presented his "Top 3" candidates, ranked from first to third choice. He mentioned that the three candidates have direct City Attorney experience. The "Top 3" candidates were:

1. Attorney Gary Baum (Law Offices of Gary M. Baum)
2. Attorney Valerie Armento (Atkinson Farasyn, a Mountain View law firm)
3. Attorney Jonathan Lowell (City Attorney for the City of Pleasanton)

City Manager Williams advised the City Council that Attorney Lowell was no longer eligible as a candidate for Interim City Attorney. He had been recently informed that Attorney Lowell's retirement date from the City of Pleasanton had been moved to the end of 2015.

In light of the new information, Mayor Esteves revised his “Top 3” to reflect the following, starting from 1st to 3rd choice:

1. Attorney Gary Baum (Law Offices of Gary M. Baum)
2. Attorney Valerie Armento (Atkinson Farasyn, a Mountain View law firm)
3. Attorney Claire Lai (Part-Time / Temporary Deputy City Attorney for the City of Milpitas)

City Manager Williams and the Deputy City Clerk tabulated the votes. The ranking result was as follows:

1. Attorney Gary Baum (Law Offices of Gary M. Baum)
2. Attorney Valerie Armento (Atkinson Farasyn, a Mountain View law firm)
3. Attorney Claire Lai (Part-Time / Temporary Deputy City Attorney for the City of Milpitas)

City Manager Williams informed the City Council that Attorney Lai currently has a contract with the City, and that she has done an outstanding job thus far. He further noted that in terms of pitches and motions, Attorney Lai had drafted more than 90 percent of the demurrer on the Citation case, and that she is quite capable as a licensed attorney and a technical resource.

Motion: For Council to accept the ranking result for the “Top 3” candidates and to direct the City Manager and staff use the ranking results in selecting and securing a contract for Interim City Attorney services. Council direction will be carried out without further need for City Manager and staff to return before City Council for contract approval.

Motion/Second: Councilmember Grilli / Vice Mayor Montano

Motion carried by a vote of:

AYES: 4

NOES: 0

In regards to the City securing a contract for long-term City Attorney services, City Manager Williams informed Mayor Esteves and City Council that staff has released the RFP notice to seven municipal law firms on July 2, 2015 as scheduled and in compliance to Council direction. In response to Mayor Esteves’ inquiries, City Manager Williams further advised that the RFP notice was released to the League of Cities, the City’s website, and various channels of communication available to the City to ensure that all interested parties were informed and could participate in the RFP process.

Councilmember Giordano stated that August 15, 2015 was the scheduled submission deadline for the RFPs. She requested for clarification on whether the RFPs would be first reviewed by the City Attorney’s Subcommittee or the City Council itself.

Mayor Esteves replied that nothing specific had been decided. He suggested for the City Attorney’s Subcommittee would preliminarily screen the RFPs, and then the City Council would decide from the 2 or 3 RFP finalists per City Attorney’s Subcommittee recommendation.

Vice Mayor Montano stressed that it was important to have an inclusive screening and selection process from start to finish since the interim and long-term contract-based City Attorneys would be working for all members of the City Council.

Councilmember Giordano reassured Vice Mayor Montano and the rest of the City Council that the RFP process would indeed be all-inclusive. She clarified that all RFPs would be presented to the City Council, and that the City Attorney’s Subcommittee would simply meet once to review as to what had been received as a whole during the RFP process and present recommendations before City Council. She further clarified that City Council as a whole could always accept or reject any and all of City Attorney’s Subcommittee recommendations.

Mayor Estevez, in agreement with Councilmember Giordano, explained that the City Attorney's Subcommittee serves as an avenue to ensure efficiency throughout the RFP selection process.

Vice Mayor Montano reiterated the importance of an all-inclusive process since each Council member has different set of opinions, backgrounds and moral views. She felt that City Council should steer towards a more inclusive process.

In response to Vice Mayor Montano's comment, Mayor Esteves said that the final selection process would be all-inclusive process, that the City Attorney's Subcommittee's role would be to facilitate the preliminary screening processes, and that the subcommittee recommendations could be accepted or rejected once they are presented before City Council.

Mayor Esteves confirmed via inquiry that Councilmembers Giordano and Grilli are the current members assigned to the City Attorney's Subcommittee.

Motion: To direct the City Attorney's Subcommittee to conduct RFP preliminary screening processes and to present findings, recommendations, and a list of "Top Three" candidates for long-term contract-based legal services before City Council. In addition, each City Council member will have access to all applicant-related data received via the RFP process during the subcommittee's presentation.

Motion/Second: Mayor Esteves / Councilmember Grilli

Motion carried by a vote of:

AYES: 3

NOES: 1 (Vice Mayor Montano)

ADJOURNMENT

Mayor Esteves adjourned the meeting at **8:26AM**.

*Meeting minutes drafted and respectfully submitted by
Pam Caronongan, Deputy City Clerk*

**CITY OF MILPITAS
POLICY AND APPLICATION FORM
FOR FLAG CEREMONY**

City Clerk's Office

JUN 23 2015

RECEIVED

1

The City desires to encourage respect and reverence for the flags of the United States of America, the State of California, and the City of Milpitas. For this purpose, flag poles have been erected in the City to allow display of these flags as symbols of the precepts enunciated in the Constitutions of the United States and the State of California.

This application form has been prepared to provide for the orderly conduct of flag ceremonies in the City of Milpitas. At the present time, there are two ceremonial flag poles at the Higuera Adobe. The two poles at Adobe Park are to remain vacant and will be used only for flag ceremonies. One pole will be for the United States Flag and the other pole for the flag of other nations. Flag poles are also situated outside City Hall at 455 E. Calaveras Blvd. Your organization's flag may not be larger than the United States flag. Both flags must be removed at the end of the ceremony.

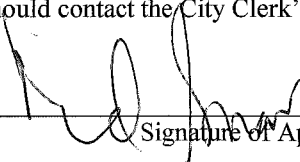
This application should be submitted to the City Manager's office at least forty-five (45) days prior to the requested ceremony date to allow time to advertise a public hearing before the City Council. All ceremonies must be approved by the City Council. No group shall have more than one (1) flag ceremony per calendar year. All ceremonies should be conducted in accordance with applicable provisions of the United States Code and the California Government Code related to proper display of flags. These code are available online at www.uscode.house.gov and www.leginfo.ca.gov. The City Clerk may provide paper copy of the appropriate codes upon request also.

Date of Request: Friday, August 14, 2015 Time of Request: 7-9PM
Name of Requesting Agency: Pakistani American Culture Center
Address: 1639A., S. Main St.,
City: Milpitas, State: CA, Zip Code: 95035
Contact Person: Mohammad Aboobaker
Business Phone: 510 378-3296 Home Phone: _____
E-mail Address: admin@pacc-ca.org Cell Phone: _____

Proposed Activity (please specify the flag to be flown, date of ceremony, and estimated duration):

Us and Pakistan national Anthem, US and Pakistan flag raising, Welcome speech by PACC, Speech by City of Milpitas Mayor and other city and county officials, Music and poetry. Pakistani food serving.

We agree to conduct ourselves in a manner, which encourages respect of the flag of the United States of America. In addition, it is understood that the requesting organization will be responsible for providing any special equipment, including the flag to be flown. A United States flag may be obtained from the City Clerk's office from 8:00 a.m. to 5:00 p.m., Monday through Friday, if one is needed. A written request must accompany your request to ensure that the flag is being released to the authorized individual or group. The United States flag must be returned to the City Clerk's office the next business day after the ceremony between 8:00 a.m. and 5:00 p.m. You should contact the City Clerk's office at 586-3001 if you need additional information or assistance.



Signature of Applicant

6/23/15

Date

Reed M Lavelle 06/23/2015

PROVED _____

DENIED _____

CITY OF MILPITAS - RENTAL USE APPLICATION

City Clerk's Office

JUN 23 2015

RECEIVED

Concerns regarding your rental should be directed as follows:

Recreation Services 408-586-3210

(Monday-Thursday, 8:00 a.m.-6:00 p.m., Friday, 8:00 a.m.-5:00 p.m.);

Police Dispatch 408-586-2400 (All Other Hours)

Date of Use 6/14/15, Friday

Name of Group/Organization/Company (responsible for rental) Pakistani American Culture Center

Applicant (person responsible for rental) MUHAMMAD ABOOBAKER

Type of Event (be specific) Flag raising Ceremony

Applicant Address 1639A S. Main City Milpitas Zip 95055

Day Phone 510 378-3296 Evening Phone 510 378-3296 E-Mail Address: aboo@paccc-ca.org

TYPE OF RENTAL:

Indoor Facility (Circle One): MCC MSRC ADOBE MSC Room(s) City Hall Veteran Flag area

Outdoor Facility (Circle One): Baseball Football Soccer Softball Tennis Courts Picnic Area (Specify) _____

Park: Cardoza¹ Dixon Landing¹ Gill¹ Murphy¹ Hall Other (Specify) _____

¹These Parks require a \$250.00 Security Deposit that is only processed should damage to the Park occur. Please provide the following

Credit Card information:

Type of Card: VISA or MasterCard

Name as appears on credit card: MUHAMMAD ABOOBAKER

Credit Card Number: _____ Expiration Date: _____

Time you wish to begin set-up 6:30 PM Time function begins 7 PM Time function ends 9 PM

*Is event open to the public? ☒ Yes ☐ No Number of people expected Total 100 (Youth 30 Adults 70)

Fundraising event? ☐ Yes ☒ No

Will food or other items be sold and/or charging admission? ☐ Yes ☒ No *If yes, describe amounts: _____

Will food be served? ☒ Yes ☐ No Will alcohol be served? ☐ Yes ☒ No * Will alcohol be sold? ☐ Yes ☒ No
(If I will be selling alcohol at my event, I understand and agree by signing this form to get additional insurance and to obtain an alcohol permit at least 45 days in advance of my event.)

Will there be music? ☒ Yes ☐ No Type (circle one) Band DJ Other CD player with Sound System

Will there be additional equipment used? ☒ Yes ☐ No If yes, List: P.A. system

* Additional fees and insurance is required

I, the applicant, hereby agree to hold the City of Milpitas and any officer and employee thereof free and harmless for any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use of the facilities of the City of Milpitas. I further agree to furnish such liability or other insurance for the protection of the public and the City of Milpitas, and any officer and employee thereof as the City may require. I agree to reimburse the City of Milpitas for any damage to said facilities arising out of the use herein requested.

If damages, additional maintenance, services, additional rental fees, or cancellation fees need to be assessed, I will be notified and charged appropriately. I understand that the City returns deposits, and pro-rated portions thereof, in the form of a City check. This check will be mailed within 30 days from the rental or cancellation date.

Refunds will not be issued for canceled park reservations. Reservations that cannot be held due to inclement weather will be issued a credit toward a rescheduled reservation. Applicant is responsible for contacting Community Center Office within seven (7) business days to initiate credit. You may reschedule a reservation or receive a credit towards future Recreation programs or facility rentals minus the non-refundable application fee.

By signing this form, I understand and agree to abide by the City's cancellation policy and the Facility Use Rules and Regulations approved by the Milpitas City Council on December 1, 2009.

I hereby certify that all statements made in this application are true and I agree and understand that any misstatement or omission of material fact may cause cancellation of my rental date. By signing this form, I further agree to be bound by the commitments and obligations stated herein.

[Signature]
Signature of Applicant

6/23/15
Date

FOR OFFICE USE ONLY		
Approved: <u>[Signature]</u> Denied: _____ Insurance Required: Yes ☒ No ☐ Staff Signature: <u>M. Lawelle</u> Date: <u>06/23/15</u>	Verify Residency _____ Application Complete ☒ Applicant Has Paperwork _____ Route Copy to Parks _____	PERMIT # / STAFF INITIALS



CERTIFICATE OF LIABILITY INSURANCE

JCH
R045DATE (MM/DD/YYYY)
7/14/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME:	
NFP PROPERTY CASUALTY SVCS INC/PHS		PHONE (A/C, No, Ext): (866) 467-8730	
554461 P: (866) 467-8730 F: (888) 443-6112		FAX (A/C, No): (888) 443-6112	
PO BOX 33015		E-MAIL ADDRESS:	
SAN ANTONIO TX 78265		INSURER(S) AFFORDING COVERAGE	
		NAIC#	
		INSURER A: Sentinel Ins Co LTD	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

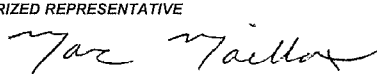
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR HYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY			57 SBA ZE3936	10/01/2014	10/01/2015	EACH OCCURRENCE	\$1,000,000
	CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
	X General Liab	X					MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							
	POLICY ☐ PROJECT ☒ LOC							
	OTHER:							
A	AUTOMOBILE LIABILITY			57 SBA ZE3936	10/01/2014	10/01/2015	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	ANY AUTO						BODILY INJURY (Per person)	\$
	ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	X HIRED AUTOS	X					PROPERTY DAMAGE (Per accident)	\$
	UMBRELLA LIAB		OCCUR				EACH OCCURRENCE	\$
	EXCESS LIAB		CLAIMS-MADE				AGGREGATE	\$
	DED		RETENTION \$					\$
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		N/A				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE- EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations. Certificate Holder is an Additional Insured per the Business Liability Coverage Form SS0008 attached to this policy.

CERTIFICATE HOLDER**CANCELLATION**

CITY OF MILPITAS 455 E CALAVERAS BLVD MILPITAS, CA 95035	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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**City of Milpitas**

Fiscal Services Division
455 E. Calaveras Blvd.,
Milpitas, CA 95035

City Hall Main : 408-586-3000
Fiscal Services : 408-586-3100
Building Department : 408-586-3240

Receipt

Receipt Number : **R000417540**

Date : **7/16/2015**

Customer Name : **PAKISTANI AMERICAN CULTURE CEN**

Pay Type :

Miscellaneous

RENTAL OF CITY HALL PLAZA

100-3603

\$190.00

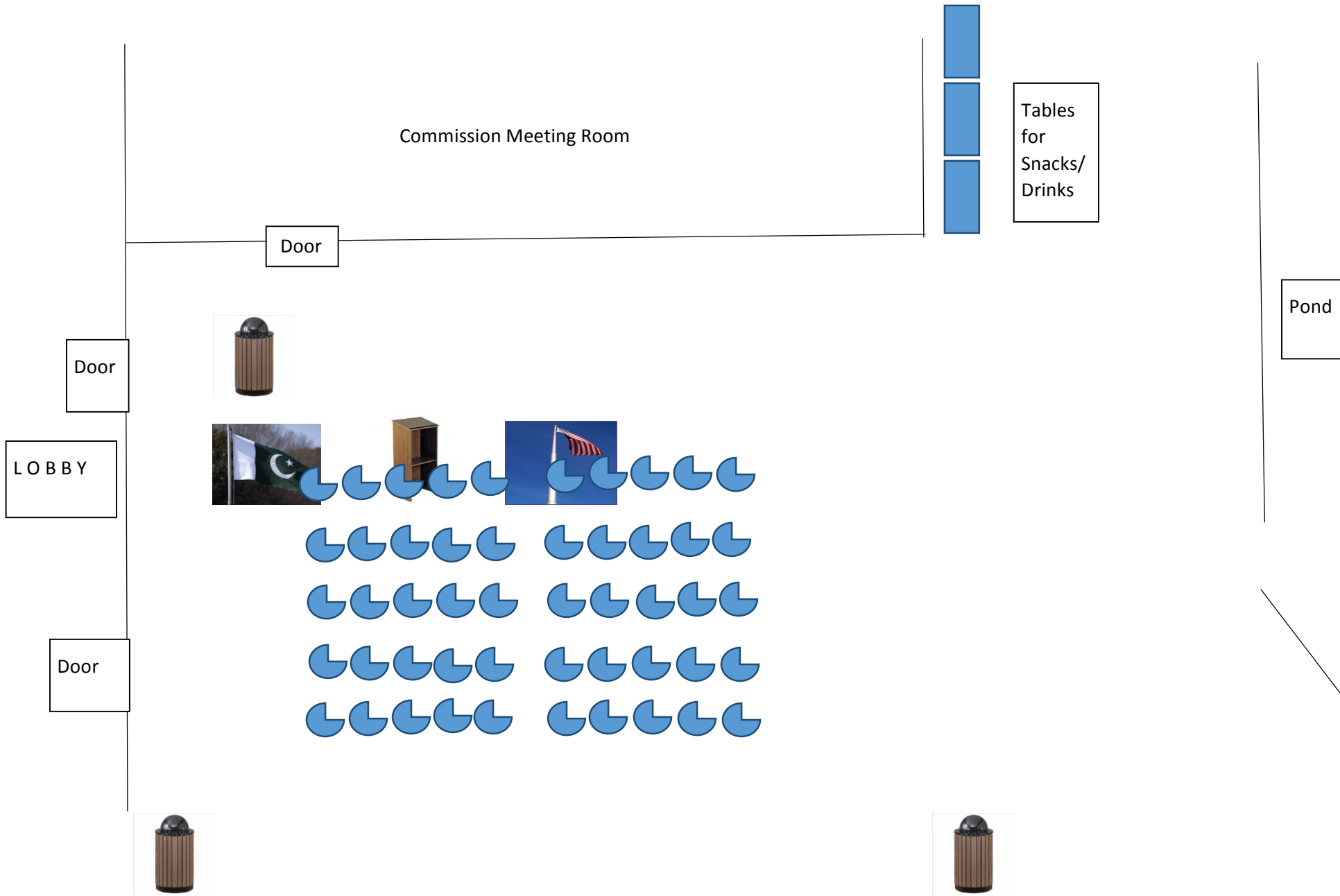
Total : \$190.00



07/16/2015



R000417540



Event: Pakistan Independence Day 14-August Flag Raising Ceremony

Date: 14-Aug-15 () Time: 7PM - 9PM



CITY OF MILPITAS: MUNICIPAL CODE

I-600-2.30 Exception—Sister City Flags and City Council Approved Ground Level Ceremonies

(1)

The flag of the country and that of a city officially recognized by the City Council as a Sister City may be displayed in lieu of the MIA/POW flag and the flag of the State of California on two of the four flag poles located at the rear of City Hall adjacent to the pond during the time of the Sister City delegation's visit to the City of Milpitas.

(2)

The City Council may, after a public hearing, direct City staff to permit the ground level display of a flag of another nation in existence after 1954, only at the following specified locations at the Civic Center complex or the City of Milpitas Community Center:

(1)

City Hall Rotunda

(2)

Area adjacent to pond at City Hall

(3)

City of Milpitas Community Center

(4)

City Council Chambers

Said flag display shall not be permitted on City Hall Display Flag Poles and shall only be permitted on a flagstaff, flagstand or similar device which does not cause the flag height to exceed ten (10) feet.

(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)

I-600-2.40 City Approval

All ground level ceremonies must be approved by the City Council. Any party intending to conduct a ground level ceremony at one of the designated locations shall submit an application to the Office of the City Manager, on a form approved by the City Council, at least thirty (30) days prior to the requested ceremony date. A public hearing will be held regarding each ground level ceremony application prior to its approval or denial by the City Council.

(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: Office of the City Clerk

Record without fee under
Section 6103 - Government Code
State of California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CONFIRMING A WEED ABATEMENT REPORT AND ASSESSMENT LIST TO BE ENTERED ON TAX ASSESSMENT BILL

WHEREAS, on January 6, 2015, the City Council of the City of Milpitas adopted Resolution No. 8433 declaring noxious or dangerous weeds growing upon certain described property to be a public nuisance that must be abated by the removal of the weeds; and

WHEREAS, if the public nuisance was not removed from the properties by the owner, the City contracted with the Santa Clara County Department of Agriculture and Environmental Management to remove the weeds and abate the nuisance; and

WHEREAS, the Santa Clara County Department of Agriculture and Environmental Management filed a report and weed abatement assessment list with the City Clerk in conformance with Title V, Chapter 202 of the Milpitas Municipal Code; and

WHEREAS, on August 4, 2015, a public hearing was held on said report and assessment list, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, the City Council hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby confirms the 2015 Weed Abatement Assessment by the County of Santa Clara for the City of Milpitas, filed by the Santa Clara County Department of Agriculture and Environmental Management, without modification; and
3. The City Council finds that the said assessment list report is hereby remanded to the Santa Clara County Department of Agriculture and Environmental Management to be entered on the tax assessment rolls as provided by Title V, Chapter 202 of the Milpitas Municipal Code.

PASSED AND ADOPTED this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Gary M. Baum, Interim City Attorney

**2015 Weed Abatement Program
Assessment Report
City of Milpitas**

Situs			APN	OWNER ADDRESS		TAX ROLL AMT		TRA
1	27	Main	022-24-024	27 Main Milpitas Llc	1805 Diana Av	MORGAN HILL	95037-3348	\$250.00 12012
2	1735	California	022-37-002	Sharon Koplan Johnson & Swanson	100 Founders Square, 900	DALLAS	75201-4499	\$250.00 12012
3	0	Dixon	026-05-023	Lu, Guandong	585 Worley Av	SUNNYVALE	94085-3738	\$250.00 12012
4	1878	Milpitas	026-05-024	Aim Developer Ents Inc	40 N Park Victoria Dr	MILPITAS	95035-4600	\$250.00 12012
5	0	Hanson	028-17-001	"preston, Michael D Trustee"	133 Botheb Av	MILPITAS	95035	\$250.00 12012
6	0	Bothelo	028-23-017	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$1,841.00 12012
7	0		028-24-006	At&t Communications Att: Richard	870 N. Mearthy Blvd. Suite	MILPITAS	95035-5125	\$250.00 12012
8	860	Evans	029-06-016	"tran, Tu And Dao, Hong"	860 Evans Rd	MILPITAS	95035-3406	\$250.00 12012
9	826	Calaveras Ridge	029-06-031	"dave, Mohini"	22356 Hartman Dr	CUPERTINO	95014-1020	\$250.00 12012
10	898	Calaveras Ridge	029-06-038	"panchal, Hareesh N Trustee & Et Al"	1669 Monterey Hy	SAN JOSE	95112-6113	\$250.00 12012
11		No Situs	029-07-009	1499 Country Club Drive Llc	475 S San Antonio Rd	LOS ALTOS	94022-3618	\$250.00 12012
12		No Situs	029-07-010	1499 Country Club Drive Llc	475 S San Antonio Rd	LOS ALTOS	94022-3618	\$2,542.52 12012
13		No Situs	029-07-011	1499 Country Club Drive Llc	475 S San Antonio Rd	LOS ALTOS	94022-3618	\$2,357.66 12012
14		No Situs	029-07-012	1499 Country Club Drive Llc	475 S San Antonio Rd	LOS ALTOS	94022-3618	\$2,566.22 12012
15		No Situs	029-07-013	1499 Country Club Drive Llc	475 S San Antonio Rd	LOS ALTOS	94022-3618	\$250.00 12012
16	1499	Country Club	029-07-014	1499 Country Club Drive Llc	475 S San Antonio Rd	LOS ALTOS	94022-3618	\$250.00 12012
17	1220	Country Club	029-52-014	"hussain, Muhammad And Farhat	1220 Country Club Dr	MILPITAS	95035-3451	\$250.00 12012
18	1039	Camarillo	029-52-015	"farsi, Parivash O And Rostam D	1132 Onondaga Way	FREMONT	94539-6737	\$250.00 12012

**2015 Weed Abatement Program
Assessment Report
City of Milpitas**

Situs			APN	OWNER ADDRESS				TAX ROLL AMT	TRA
19	519	Vista Ridge	042-30-010	"ghani, Mahmood And Editha C"	519 Vista Ridge Dr	MILPITAS	95035-7217	\$250.00	12012
20	490	Vista Ridge	042-30-022	"wang, Mann Sheue And Wan, Chien	410 Vista Ridge Dr	MILPITAS	95035-7216	\$250.00	12012
21	531	Vista Ridge	042-30-029	"chan, Michael Kwong And Ling	704 Longfellow Dr	FREMONT	94539	\$3,263.00	12012
22	0		086-25-018	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$1,841.00	12012
23	0	Main	086-25-020	"woo, Kan J And Lan H"	2650 Kelly Av	MC KINLEYVILLE	95519-3378	\$250.00	12012
24	0	Main	086-25-028	"panchal, Natwarlal M And Gita N	3200 Monterey Bl	SAN JOSE	95111	\$250.00	12012
25	0	Main	086-27-023	South Main Manor Llc	43450 Sabercat Rd	FREMONT	94539	\$250.00	12012
26	0	Milpitas	086-28-006	San Francisco City And County Of	525 Golden Gate Av 10th Fl	SAN FRANCISCO	94102	\$250.00	12012
27	0	Vista	086-29-005	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$4,035.62	12012
28	0	Wrigley	086-29-036	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$1,011.50	12012
29	0	Yosemite	086-29-047	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$250.00	12012
30	0	Ames	086-30-060	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$1,645.00	12012
31	0		086-31-003	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$250.00	12012
32	0	Yosemite	086-31-044	Union Pacific Corporation	10031 Foothills Blvd	ROSEVILLE	95030-0000	\$1,461.80	12012
33	91	Montague Ex	086-34-023	"movassate, Manoutchehr Trustee &	83 Santiago Av	ATHERTON	94027	\$250.00	12012
34	2369	Capitol	086-37-004	Milpitas Montague Llc	1430 S Eastman	LOS ANGELES	90023	\$2,315.00	12012
35	620	Capitol	086-37-021	Milpitas Montague Llc	1430 S Eastman Av	LOS ANGELES	90023	\$250.00	12012
36	0	Dempsey	088-04-060	Z X Development Llc	346 Merimont Cl	SAN BRUNO	94066	\$2,883.80	12012

**2015 Weed Abatement Program
Assessment Report
City of Milpitas**

								TAX ROLL		
Situs			APN	OWNER ADDRESS					AMT	TRA
37	0	Park Victoria	088-04-062	Z X Development Llc	346	Merimont Cl	SAN BRUNO	94066	\$987.80	12012
38	0	Dempsey	088-04-076	Z X Development Llc	346	Merimont Cl	SAN BRUNO	94066	\$1,841.00	12012
39	0	Old Piedmont	092-34-008	Old Piedmont Development Inc	456	Montgomery St	SAN FRANCISCO	94104-1247	\$2,078.00	12012
40	1250	Piedmont	092-34-014	Old Piedmont Development Inc	456	Montgomery St	SAN FRANCISCO	94104-1247	\$250.00	12012
41	2235	Uridias Ranch	092-37-050	"pak, Jung-ho Trustee"	12732	Sundance Ln	CARMEL VALLEY	93924	\$250.00	12012
								TOTAL	\$39,170.92	

List of Attachments for Public Hearing Item No. 3

– Pan Residence

Attachments:

- 3-A Resolution
- 3-B Project Plans (*loose separate item / packet*)
- 3-C Planning Commission Staff Report
- 3-D Planning Commission Adopted Resolution
- 3-E 07-08-2015 Meeting Minutes: Planning Commission

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA14-0002 FOR SITE AND BUILDING MODIFICATIONS TO AN EXISTING HILLSIDE HOME, LOT LINE ADJUSTMENT AND RECONFIGURATION OF EXISTING OPEN SPACE EASEMENT LOCATED AT 1000 COUNTRY CLUB DRIVE

WHEREAS, on November 5, 2002, the City Council approved a Planned Unit Development (PUD) and Environmental Assessment for the construction of a new 12,571 square foot house and various site improvements on a 4.62 acre parcel. The PUD approval allowed the home to be constructed within the crestline zone of protection, combining the total square footage of the main residence and second family unit, reduced rear setback, and exempted unconditioned space (garage, covered pool and unconditioned basement) from the square footage calculations; and

WHEREAS, on May 26, 2004, the Planning Commission approved a one-time, eighteen (18) month time extension for Planned Unit Development permit approvals for the 12,571 square foot hillside home and associated site improvements; and

WHEREAS, the construction for the new home began in 2005 and there are active building permits that have been extended to allow completion of the home; and

WHEREAS, on August 7, 2014, an application was submitted by Theresa Pan with SAN Partners LLC, to allow for minor building and site modifications to the hillside home which is currently under construction. The request also includes a lot line adjustment and reconfiguration of an existing open space and landscape easement located at 1000 Country Club Drive. The property is located within Single Family Residential with Hillside Combining Zoning District (APN: 29-03-014); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommended that the Planning Commission determine this project exempt under CEQA; and

WHEREAS, on July 8, 2015, the Planning Commission held a duly-noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and recommends the City Council approve SA14-0002 subject to the findings and conditions of approval; and

WHEREAS, on August 4, 2015, the City Council of the City of Milpitas held a duly-noticed public hearing on the subject application, and considered evidence present by City staff, the applicant, and other interested parties.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The Planning Division conducted an environmental assessment of the project in accordance with CEQA. The project is categorically exempt from further CEQA review under Sections 15301, 15303 (New Construction of Small Structures) and 15304 (Minor Alterations to Land) of CEQA. The project entails minor site and building modifications such as façade changes to an existing home, installation of minor structures include outdoor patios and trellis, and minor grading to site to adjust the slope of an existing driveway.
3. **Site Development Permit [Section XI-10-57-03(F)]**
 - I. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project will provide for a compatible and aesthetic development in that site layout and design of the proposed home provides an appropriate scale, massing and blends the natural setting. The proposed modifications such as the squared window openings, stone cladding and landscaping treatments minimizes the appearance of bulk, provides for a visually solid base that grounds the building, and provides architectural interest. The proposed colors and material are in keeping with natural earth tones and would complement the natural hillside setting.

II. The project is consistent with the Milpitas Zoning Ordinance.

The project is consistent with the Milpitas Zoning Ordinance. The project complies with the hillside development standards and complies with the setback, height, maximum square footage, and impervious surface coverage regulations as summarized in the Table 1 below. In terms of the architectural guidelines, the proposed modifications improve the bulk and massing of the building with the proposed window openings, stone cladding and landscaping treatments. The proposed colors and material are in keeping with natural earth tones and would complement the natural hillside setting.

Table 1:
Summary of Development Standards in the Hillside Combining District

Development Standards	Required	Existing/ Previously Approved	PUD	Proposed	Complies
Lot Area (Acres)*	14.1	4.6		8.7 (with lot line adjustment)	No
Setbacks					
Front	40	210'			Yes
Side	40	245' and 127'		245' and 127'	Yes
Rear	40	20	E1	670' (with lot line adjustment)	Yes
Size of Main Dwelling	10,000	12,571 sq. ft.	E2	11,658 sq. ft.	Yes
Impervious Surface Coverage	10% of lot, not to exceed 30,000 s. f.	19,347 s. f.		27,811 s. f.	Yes
Height	One-story, max. ht. 17' on the westside of crestline, Two-story max. ht. 27' on eastside of crestline		E3		Yes
Parking	7 (8 bdrm)	6		6 covered, 10 uncovered	Yes

The project will not create unreasonable views or obstructions in that the project proposes minor exterior façade changes to the existing unfinished residence. The existing building form, location and height of the building remain unchanged from the previous approval. However, the roof lines would be lower on certain portions of the roof. Furthermore, the project will not impair light or air considering the home is located approximately 600-feet from the nearest adjacent home.

Grading and disturbance of existing contours (*natural & man-made*) will not be significant and limited developed portions of the site. Existing trees are to remain and protected in place.

III. The project is consistent with the Milpitas General Plan.

The project is consistent with the General Plan in terms of land use and density. The project entails site and building modifications to a previously approved hillside residence that is under construction. The project is also consistent with the following General Plan policies and principles:

- 2.a-G-3, which encourages a variety of housing types and densities that met the needs of individuals and families.
- 2.a-l-18: retains the natural character of the hillside by utilizing designs, colors, and materials that blends with the environment and terrain.
- 5.a-1-2: minimizes the threat to life and property through identification of active fault traces and geologic hazard zones

4. The City Council of the City of Milpitas hereby approves Site Development Permit Amendment No. SA14-0002 based on the above Findings and subject to the Conditions of Approval attached hereto as **Exhibit 1** and incorporated herein.

PASSED AND ADOPTED this _____ day of _____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Gary M. Baum, Interim City Attorney

EXHIBIT 1
CONDITIONS OF APPROVAL
PAN RESIDENCE - SA14-0002 – 1000 COUNTRY CLUB DRIVE

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. This Site Development Permit Amendment No. SA14-0002 (“Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office and a copy shall be provided to the Planning Division.
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval.(P)
6. Project Job Account. If Permittee’s project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee’s private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit.
7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1).
8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition.

9. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution.
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
11. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.
13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on July 8, 2015, in accordance with these Conditions of Approval.
16. Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**
17. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal **(ALL)**

Site Development Permit:

18. Climate Action Plan Compliance. Prior to issuance of any building permit, the Permittee shall revise the building plans to show the following:
 - a. Pre-wired for solar photovoltaic systems.
 - b. Provide exterior electrical outlet for gardening equipment
19. Lighting Plan. Prior to issuance of any building permit, the Owner or Designee shall submit a lighting and iso-illumination plan that shall demonstrate 1) safe and adequate lighting of the project site and 2) lighting is contained

and does not spill over onto adjacent properties or create unwanted glare. Proposed light fixtures shall be high quality and complement the architectural style of the home.(P)

20. Architectural Elevations. Prior to issuance of any building permit, the Permittee shall revise building elevations to reflect high quality material, finishes, and articulation. Such revisions to the building architecture are subject to Planning Director review and approval and includes the following:
- a. The stucco shall be a sand finish on the body of the building with smooth stucco finish on all windows, doors, and other trims. The permittee shall provide a sample mock-up of the stucco finish for the body and trim prior its application for Planning Director approval. (P)
 - b. Final color selection for the building shall be submitted to the Planning Director for review and approval. (P)
 - c. All roof edges and building eaves shall be further developed with architectural detail consistent with the architecture character of the project subject to Planning Director review and approval. (P)
 - d. Further detail development shall be provided at the Guest Deck guardrail and roof edges above on the northeast elevation, in a manner consistent with the architectural character of the overall design subject to the Planning Director review and approval.

Windows and Doors

- e. All windows shall be designed to provide a range of 2 to 4-inch recess on all elevations, subject to Planning Director approval. (P)
 - f. The Permittee shall incorporate detail elements such as architectural such as but not limited to decorative headers, lintels, project bottom sills and/or trim at the window openings in a manner that reinforces the architectural style and character of the home subject to the Planning Director's review and approval(P)
 - g. All pedestrian and garage doors shall be decorative, distinctive, and reinforce the architectural style of the home and include ornamentation such as, but not limited to recessed or grooved panels, metal studs and decorative hardware. (P)
21. Encroachment Permit: A City encroachment permit is required for any work in the area within City's jurisdiction, right of way (ROW), Public Service Utility Easement (PSUE), or Public Utility Easement (PUE). The Contractor must apply, pay for and obtain the encroachment permit prior to starting work.(E)
22. Utility Protection: All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.(E)
23. Solid Waste Management: Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, Permittee shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, Permittee shall subscribe to and pay for solid waste services rendered. (E)
24. Demolished Material Removal: All demolished materials including, but not limited to, broken concrete, asphalt paving, pipe, vegetation, excess earth, building debris, and other unsuitable materials, etc., shall be removed from the job site for recycling or disposal by Permittee to the satisfaction of the City Engineer. Permittee shall to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction of the site. Permittee shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. Permittee's contractor shall perform all recycling and/or disposal by removal from the job site.(E)
25. Construction Storm Water Quality: Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's stormwater and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and sub-contractors

install and regularly maintain all construction BMPs as required by the approved erosion control plan, the COMC, and the City's Clean Water Program. **(E)**

26. Construction Storm Water Quality: The Contractor shall perform all elements of the best management practices for compliance with the requirements of the National Pollution Elimination Discharge System Permit as regulated by the San Francisco Bay Regional Water Quality Control Board. The Contractor is responsible for compliance.
27. Flood Zone. The property is in Flood Hazard Zone Area X, (flood insurance is not required), 06085C0059J, 2/19/14. This is provided for your information only.
28. Agency Approval: It is the responsibility of the Permittee to obtain any necessary permits/approvals from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Union Pacific Railroad, Southern Pacific Railroad, Santa Clara Valley Transportation Agency, and City of Milpitas Engineering Division. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.
29. Right of Entry. Prior to building permit issuance, the Permittee shall obtain a right of entry from the neighboring property to perform any work.
30. Underground Service Alert (USA): Permittee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.
31. Recycled Water for Construction Activity: The City Council has declared a water supply emergency and enacted a Water Shortage Contingency Plan. The project is required to use recycled water for construction purposes such as dust control and compaction.
32. Tree Removal Permit: In accordance with COMC Chapter 2, Title X (Ord. 201), Permittee may be required to obtain a permit for removal of any existing tree(s). Contact the Public Works Department at (408) 586-2600 to obtain the requirements and forms. **(E)**
33. Deferred Landscaping: The City Council has declared a water supply emergency. The applicant shall defer the planting of landscaping until such time as the water supply shortage is over.
34. Water Well: Prior to building permit issuance, the proposed water well shall be review and approved by Santa Clara Valley Water District and County Health Department.
35. Water Well: Prior to building permit issuance, the plans shall clarify the use of the well water and provide protection on the City water system by installing a RP Backflow device right after the water meters. The plans shall show plumbing and the intent of the water tank
36. Lot Line Adjustment: Prior to building permit issuance, a copy of the recorded lot line adjustment shall be provided to Land Development.
37. Open Space and Landscaping Easement: Prior to building permit issuance, the existing landscape easement per L490 O.R. 695 shall be abandoned and a proposed landscape easement shall be approved by City Council per City of Milpitas requirements.
38. Plan Corrections: Prior to building permit issuance, the Permittee shall revise the following:
 - a. Detail 3 on Sheet C6.0 shall be revised to reflect the current design of the driveway.
 - b. Detail 2 on Sheet L5.0 conflicts with Sheet C3.3 regarding the knockout for the drainage swale, the plan shall be revised.

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(CA) = City Attorney



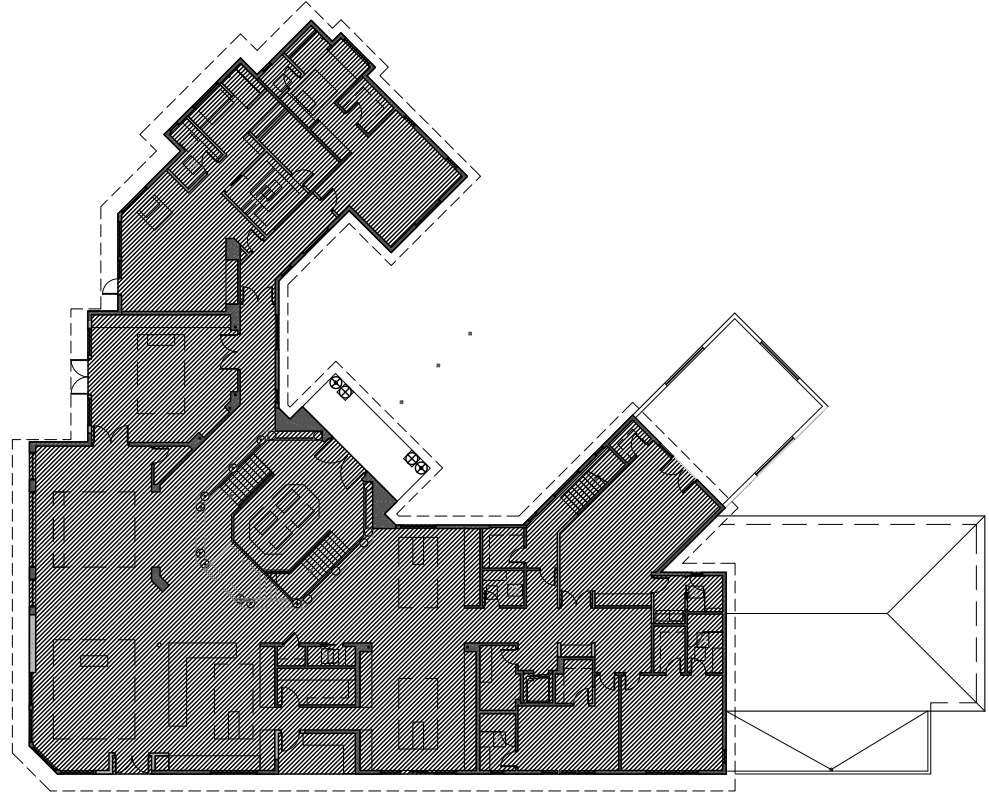
PAN RESIDENCE
1000 COUNTRY CLUB DRIVE, MILPITAS, CA 95035

SITE DEVELOPMENT PERMIT AMENDMENT - REV. 2

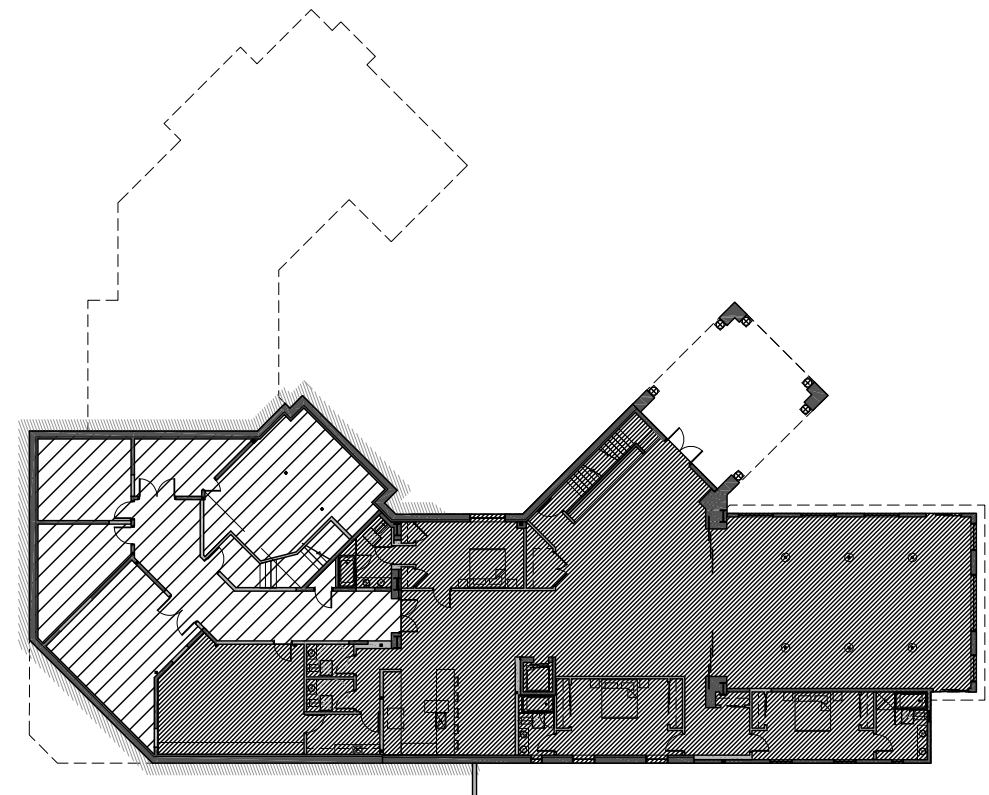
MAY 19, 2015

**PFAU
GNOT**
ARCHITECTURE

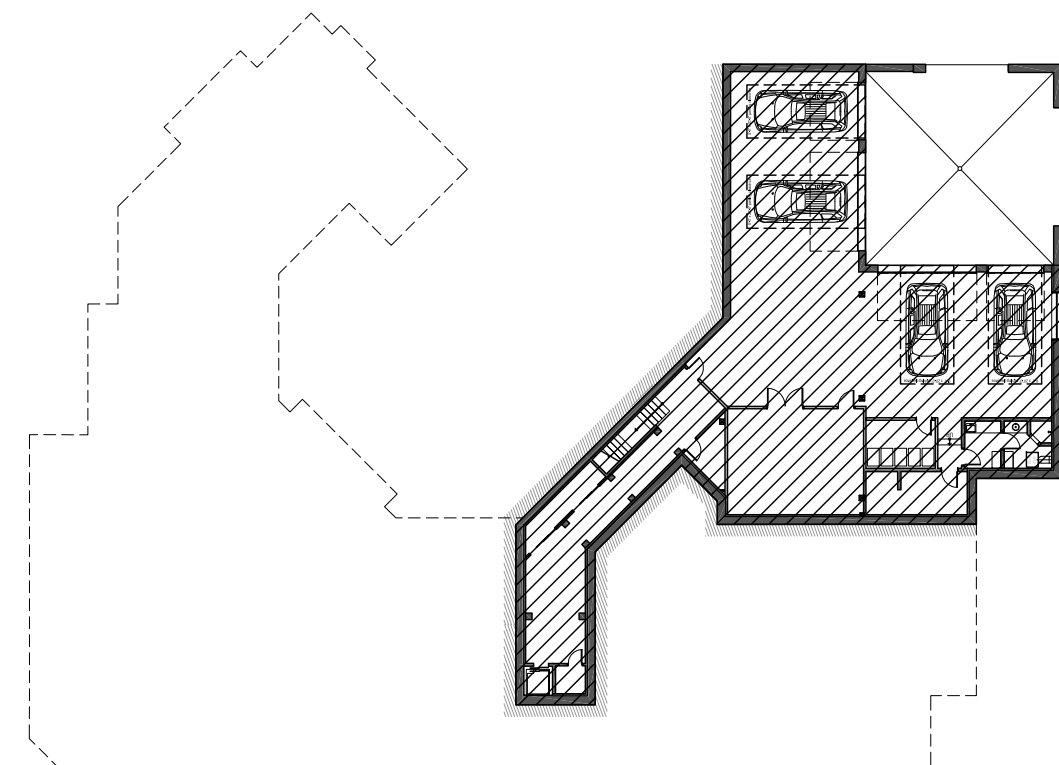
98 Jack London Alley
San Francisco
CA 94107
Tel: 415 908.6408
Fax: 415 908.6409



(E) BUILDING: MAIN LEVEL: 6,675 sf habitable space



(E) BUILDING: LOWER LEVEL: 4,983 sf habitable space
2,178 sf non-habitable space

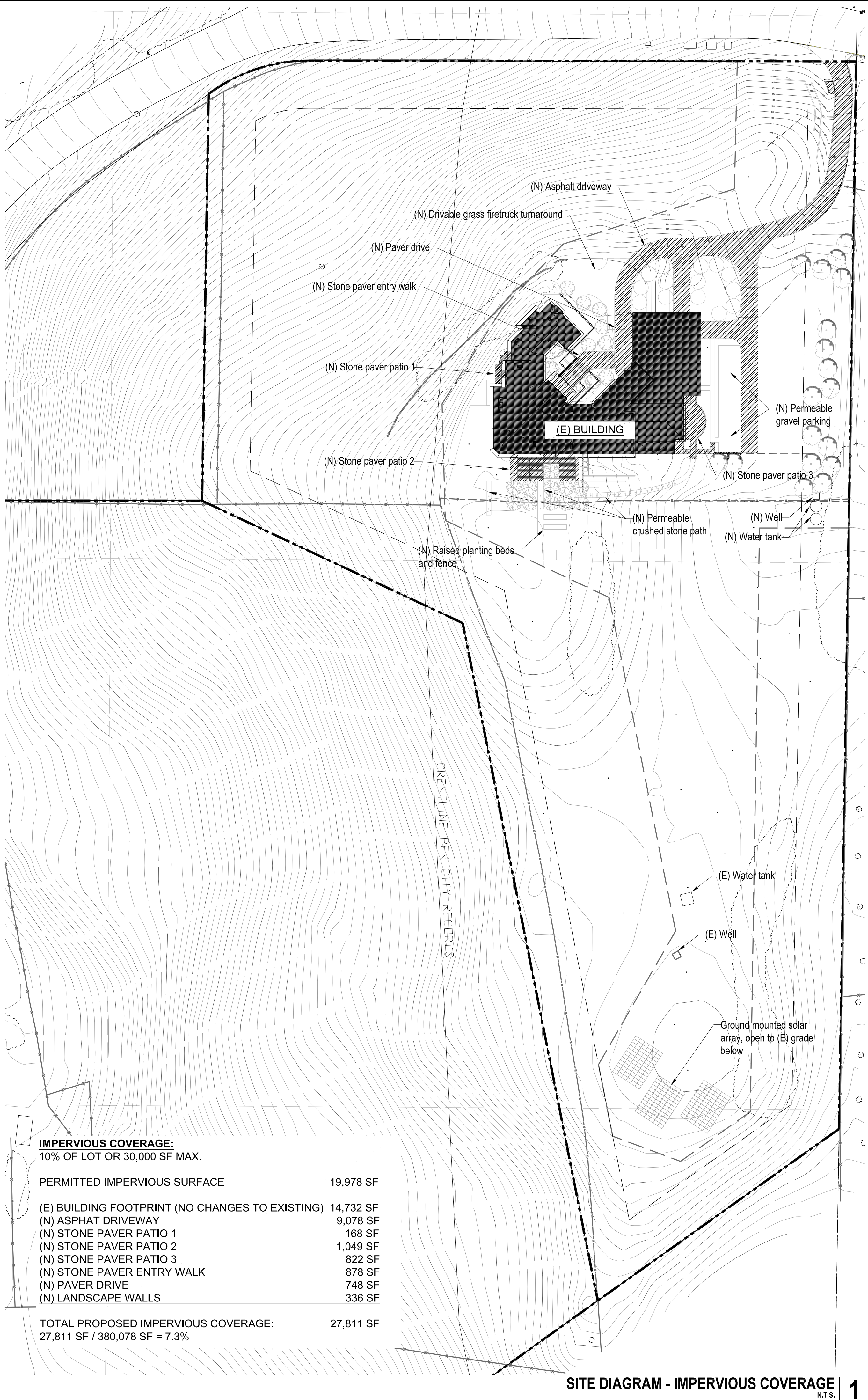


(E) BUILDING: GARAGE LEVEL: 3,737 sf non-habitable space

BUILDING SIZE

	PERMITTED BUILDING SIZE	12,571 SF
	(E) BUILDING SIZE - HABITABLE SPACE	6,675 SF MAIN LEVEL 4,983 SF LOWER LEVEL 11,658 SF
	(E) BUILDING SIZE - NON-HABITABLE SPACE	2,178 SF LOWER LEVEL 3,737 SF GARAGE LEVEL 5,915 SF

SITE DIAGRAM - BUILDING SIZE N.T.S. 2



SITE DIAGRAM - IMPERVIOUS COVERAGE N.T.S. 1

PAN RESIDENCE

1000 Country Club Drive
Milpitas, CA

APN#: 029-03-014

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SAN Partners, LLC
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San Jose, CA 95161
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Contact: Melanie Turner

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(415) 485-3885
Principal: Eric Blasen
Contact: Beth Lee

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Contact: Jeff Medeiros

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Contact: Randy West
Contact: Brad Sundheimer

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Contact: Kim Zylker

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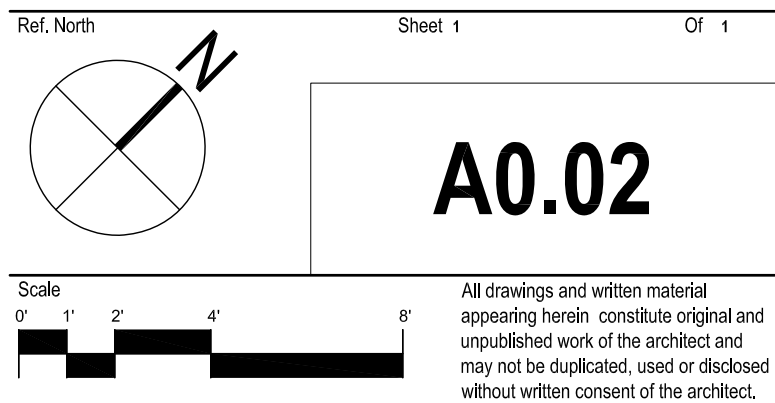
Consultant

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Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
SITE DIAGRAMS





VIEW FROM EAST PERSPECTIVE | 4



VIEW FROM NORTH EAST PERSPECTIVE | 3



BIRD'S EYE ENTRANCE VIEW FROM NORTH PERSPECTIVE | 2



VEHICULAR ENTRANCE GATE PERSPECTIVE | 1

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Description
3D RENDERINGS

Ref. North Sheet 1 Of 1

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Project Name

1000 Country Club Drive Residence

Project Number

23006

Description

3D RENDERINGS

Ref. North

Sheet 1

Of 1

A0.04

Scale

0'

1'

2'

4'

6'

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ENTRY PERSPECTIVE | 2



ENTRY WALLS PERSPECTIVE | 1



6'-0" DEER FENCE & 54" WIRE FENCE | 10



PHOTOVOLTAIC ARRAY | 9



DRY STACK LANDSCAPE WALLS | 8



WOOD AND PAINTED STEEL GUARDRAILS | 7



WOOD AND PAINTED STEEL PATIO TRELLIS | 6



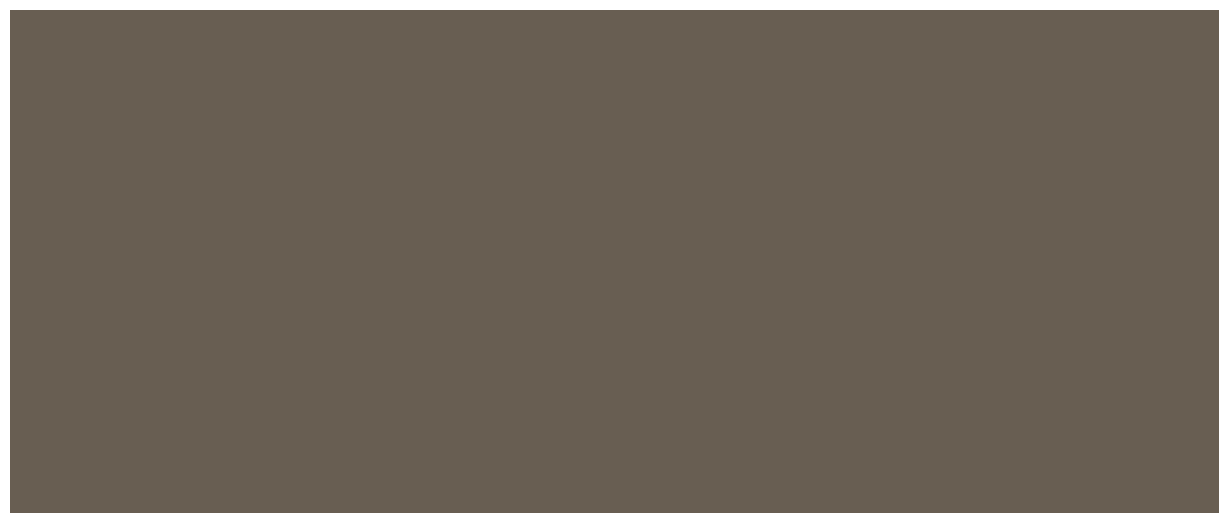
AUTOCOURT CONCRETE PAVERS | 5



PRE-PATINATED COPPER STANDING SEAM ROOF | 4



ISTRIA LIMESTONE CLADDING, ENTRY & PATIO PAVERS | 3



FACTORY FINISH METAL CLAD WINDOWS | 2



PAINTED STUCCO | 1

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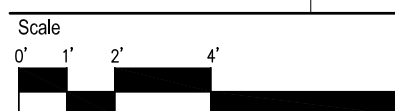
Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
PROJECT MATERIALS

Ref. North Sheet 1 Of 1

A0.05



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CONTINUS ROYAL PURPLE

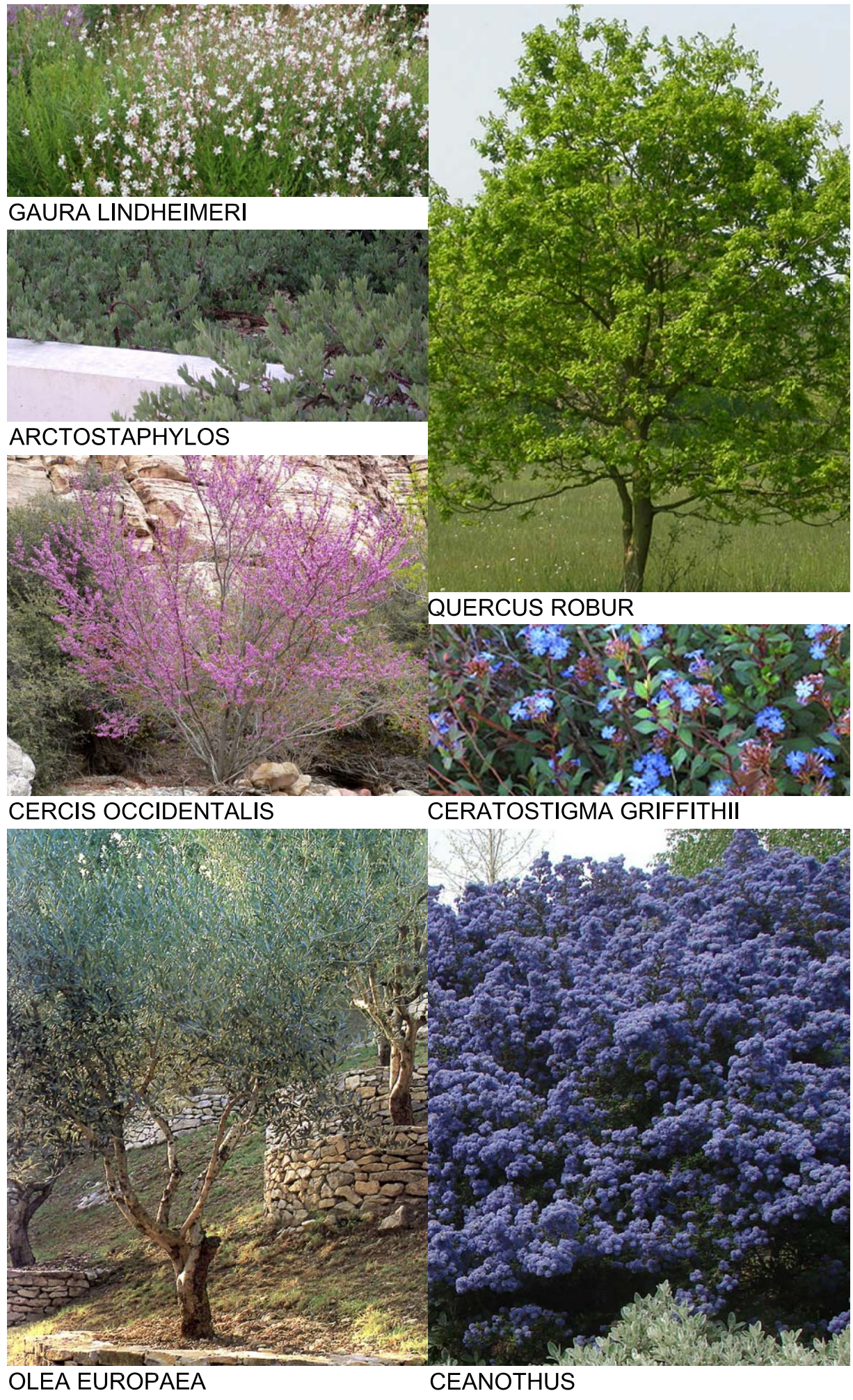
MUHLENBERGIA CAPILLARIS

TILIA TOMENTOSA

ARBUTUS MARINA

NERERIUM OLEANDER

RHAMNUS CALIFORNICA



GAURA LINDHEIMERI

ARCTOSTAPHYLOS

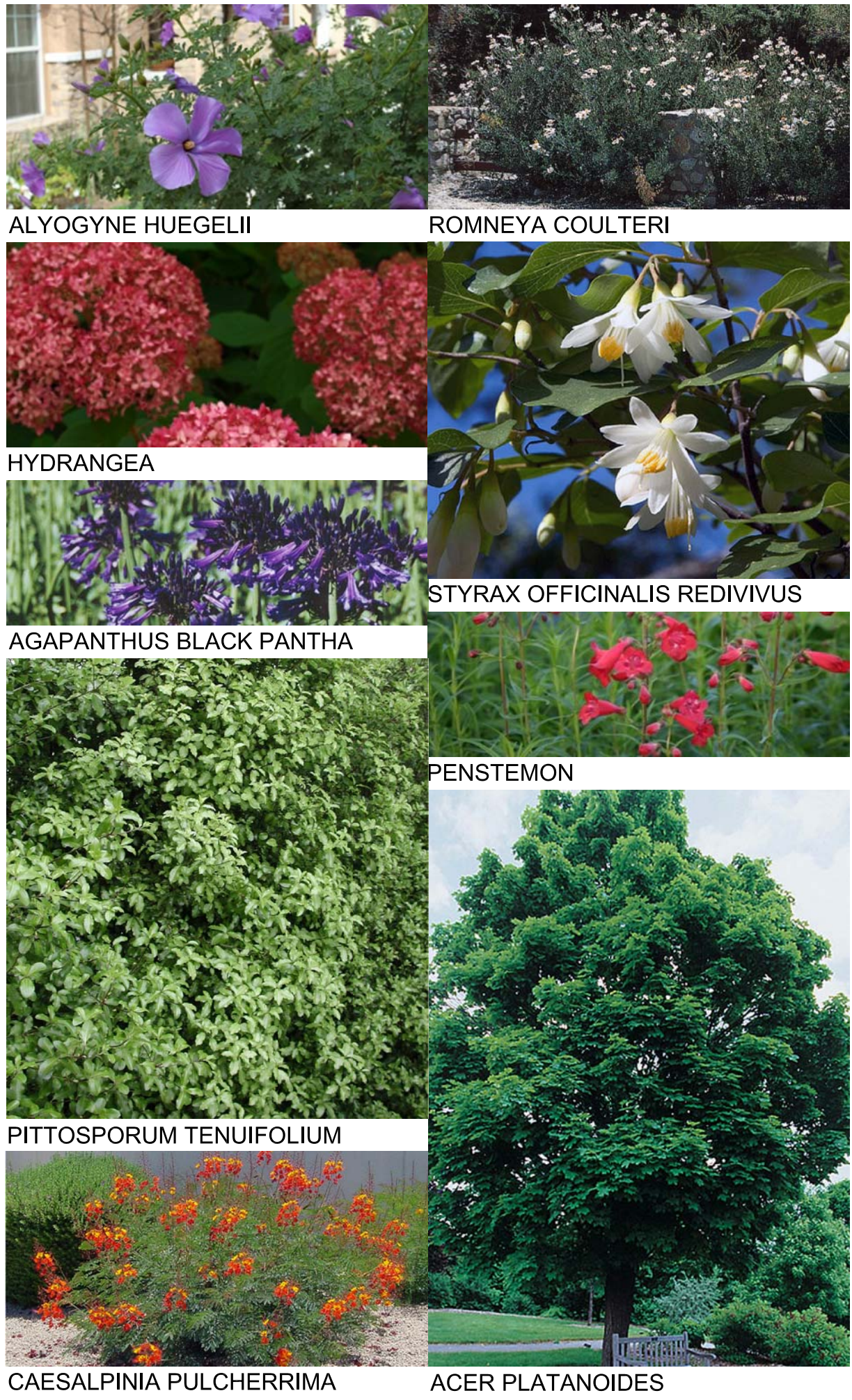
CERCIS OCCIDENTALIS

OLEA EUROPAEA

QUERCUS ROBUR

CERATOSTIGMA GRIFFITHII

CEANOOTHUS



ALYOGYNE HUEGELII

HYDRANGEA

AGAPANTHUS BLACK PANTHA

PITTOSPORUM TENUIFOLIUM

CAESALPINIA PULCHERRIMA

ROMNEYA COULTERI

STRAX OFFICINALIS REDIVIVUS

PENSTEMON

ACER PLATANOIDES

SOUTHEAST AND SOUTHWEST GARDENS | 5



ASPARAGUS DENSIFLORUS

OPHIPOGON JAPONICUS

TAXUS BACCATA REPANDENS

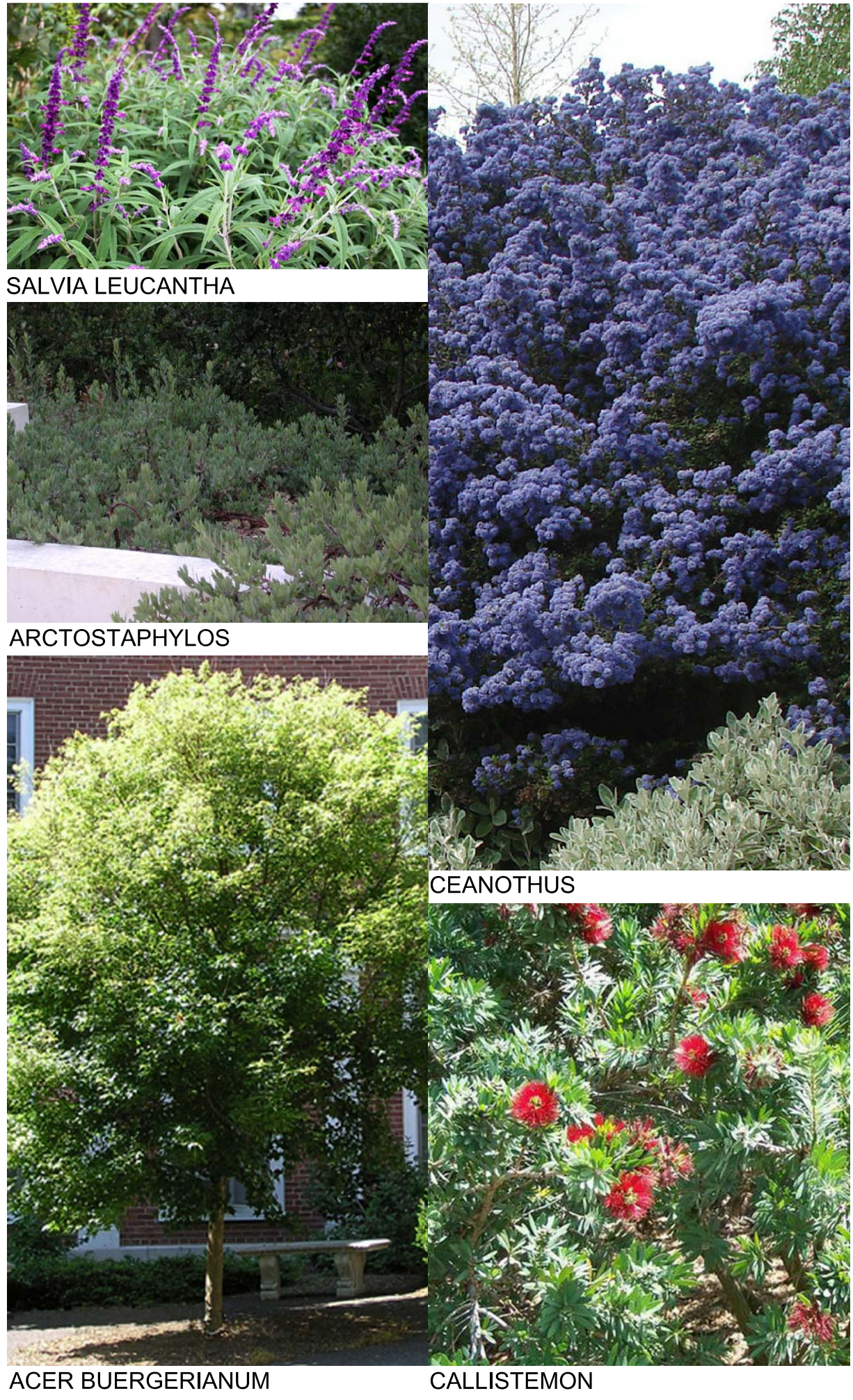
ACER JAPONOCUM

HELLEBORUS ARGUTIFOLIUS

ACER PALMATUM

CAMELLIA JAPONICA

HOUSE ENTRY LANDSCAPING | 3



SALVIA LEUCANTHA

ARCTOSTAPHYLOS

CEANOOTHUS

ACER BUERGERIANUM

CALLISTEMON



MYRSINE AFRICANA

BOUGAINVILLEA

FEIJOA SELLOWIANA

DISTICTIS BUCCINATORIA

LOROPETALUM CHINENSE

GARAGE LANDSCAPING | 2



METROSIDEROS EXCELSA

QUERCUS SUBER

PODOCARPUS GRACILIOR

QUERCUS AGRIFOLIA

PITTOSPORUM TENUIFOLIUM

SCREENING PLANTS | 4



MELIANTHUS MAJOR

CEANOOTHUS

CALLISTEMON

BERBERIS THUNBERGII

FEIJOA SELLOWIANA

ENTRY DRIVE LANDSCAPING | 1

PAN RESIDENCE

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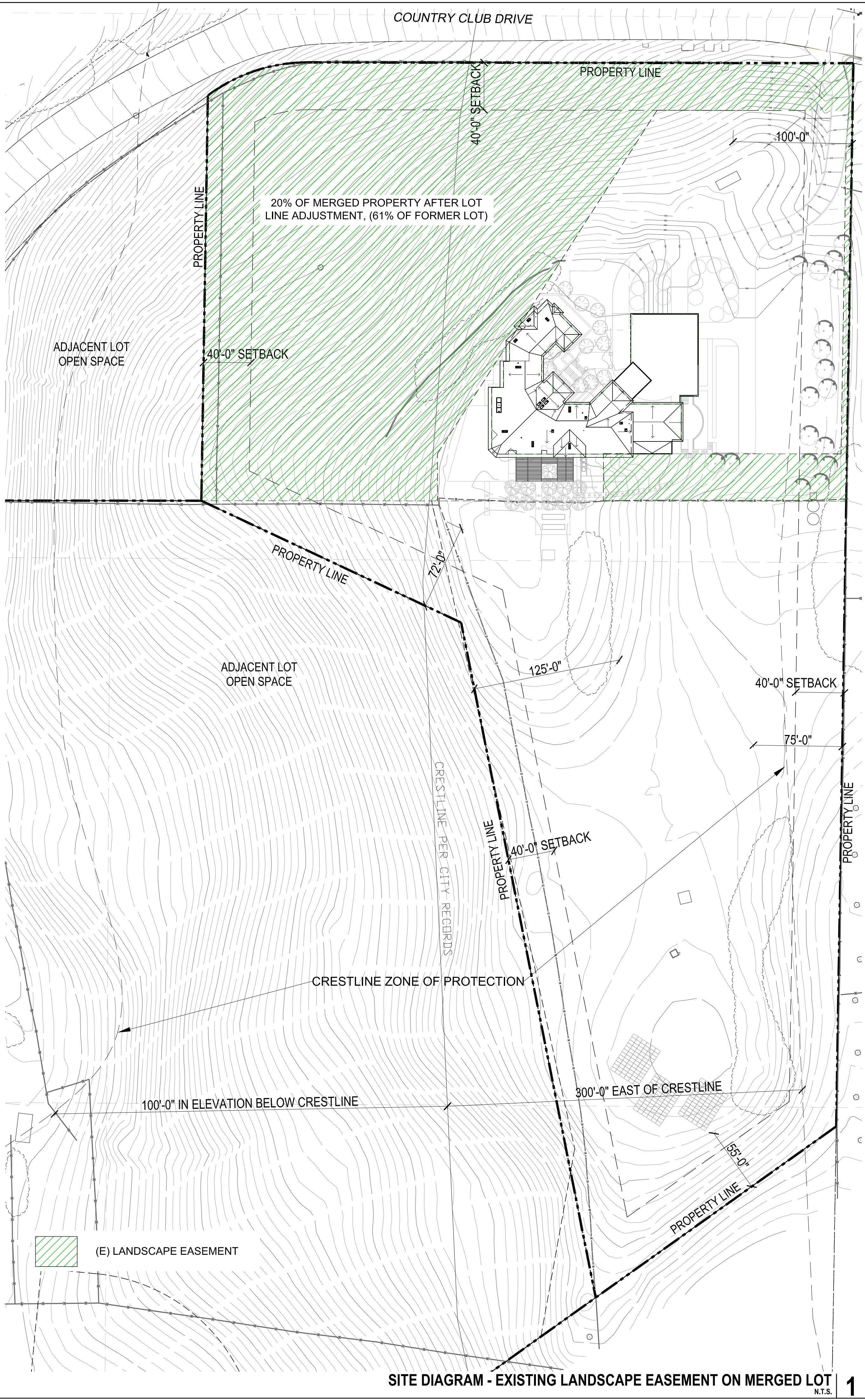
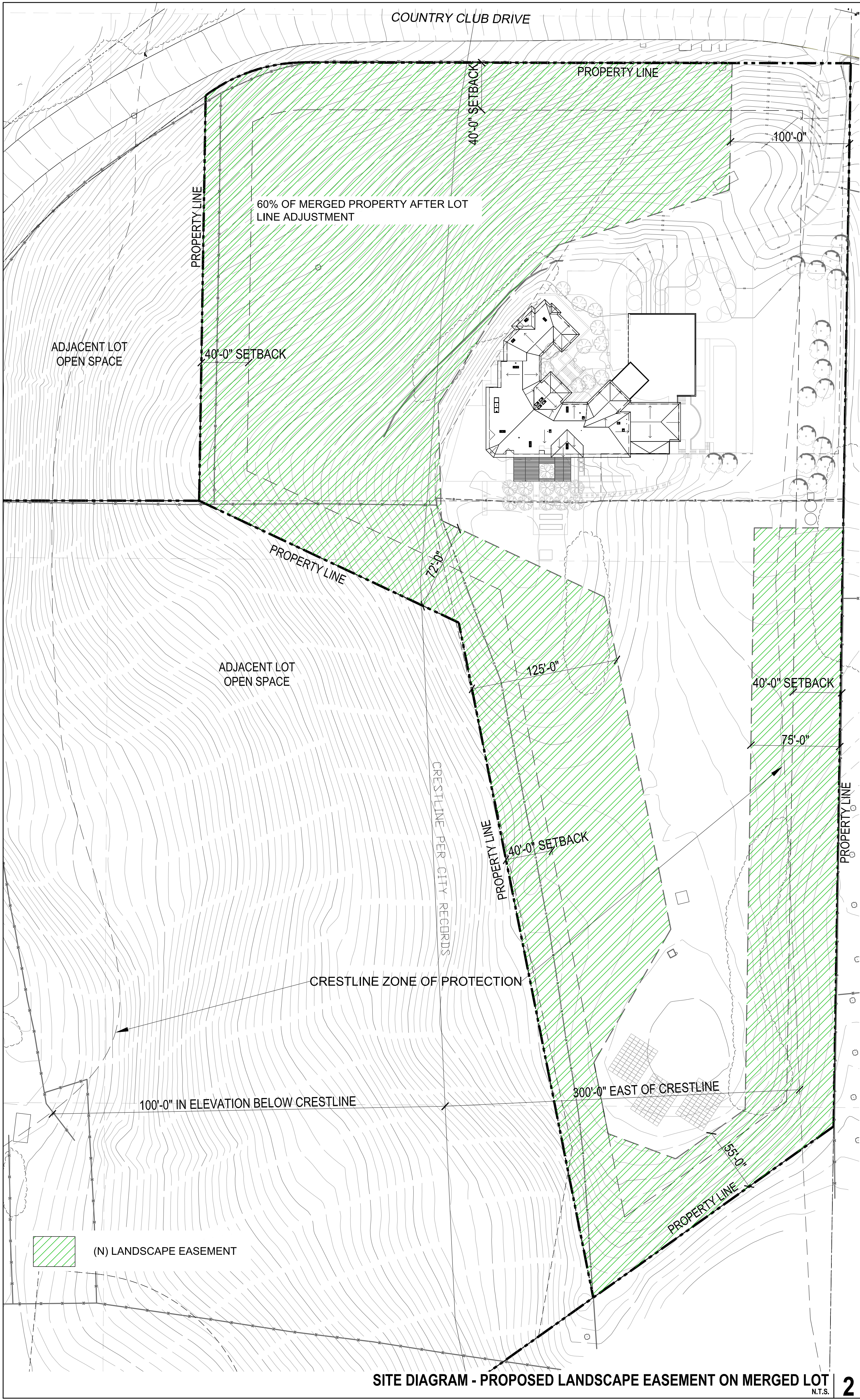
Project Name	1000 Country Club Drive Residence
Project Number	23006

Description	PROJECT MATERIALS
-------------	-------------------

Ref. North Sheet 1 Of 1

Scale
0' 1' 2' 4' 8'

A0.06
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1996 Tarob Court
Milpitas, CA 95035
(415) 957-9220
Contact: Jeff Medeiros

Civil:
Lea & Braze Engineering Inc.
2495 Industrial Parkway West
Hayward, CA 94545
(510) 887-4086
Principal: Peter Carino
Contact: Randy West
Contact: Brad Sundheimer

Mechanical, Electrical, and Plumbing:
Engineering 350, LLC
870 Market St, Suite 458
San Francisco, CA 94102
(707) 320-1352
Principal: Ray Keane
Contact: Kim Zylker

Waterproofing
Simpson Gumpertz & Heger
100 Pine Street, Suite 1600
San Francisco, CA 94110
(415) 495-3700
Contact: David Noma

Architect Consultant

No.	Date	Issues and Revisions	By	Check
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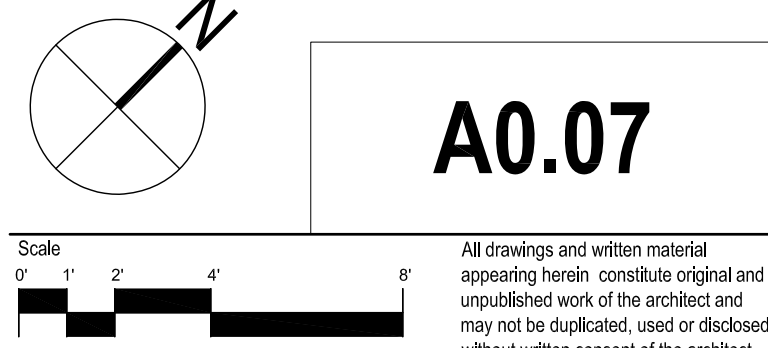
05/19/15	Site Dev, Permit Amend, Rev. 2	MD	MT	
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Project Name 1000 Country Club Drive Residence

Project Number 23006

Description SITE DIAGRAMS

Ref. North Sheet 1 Of 1

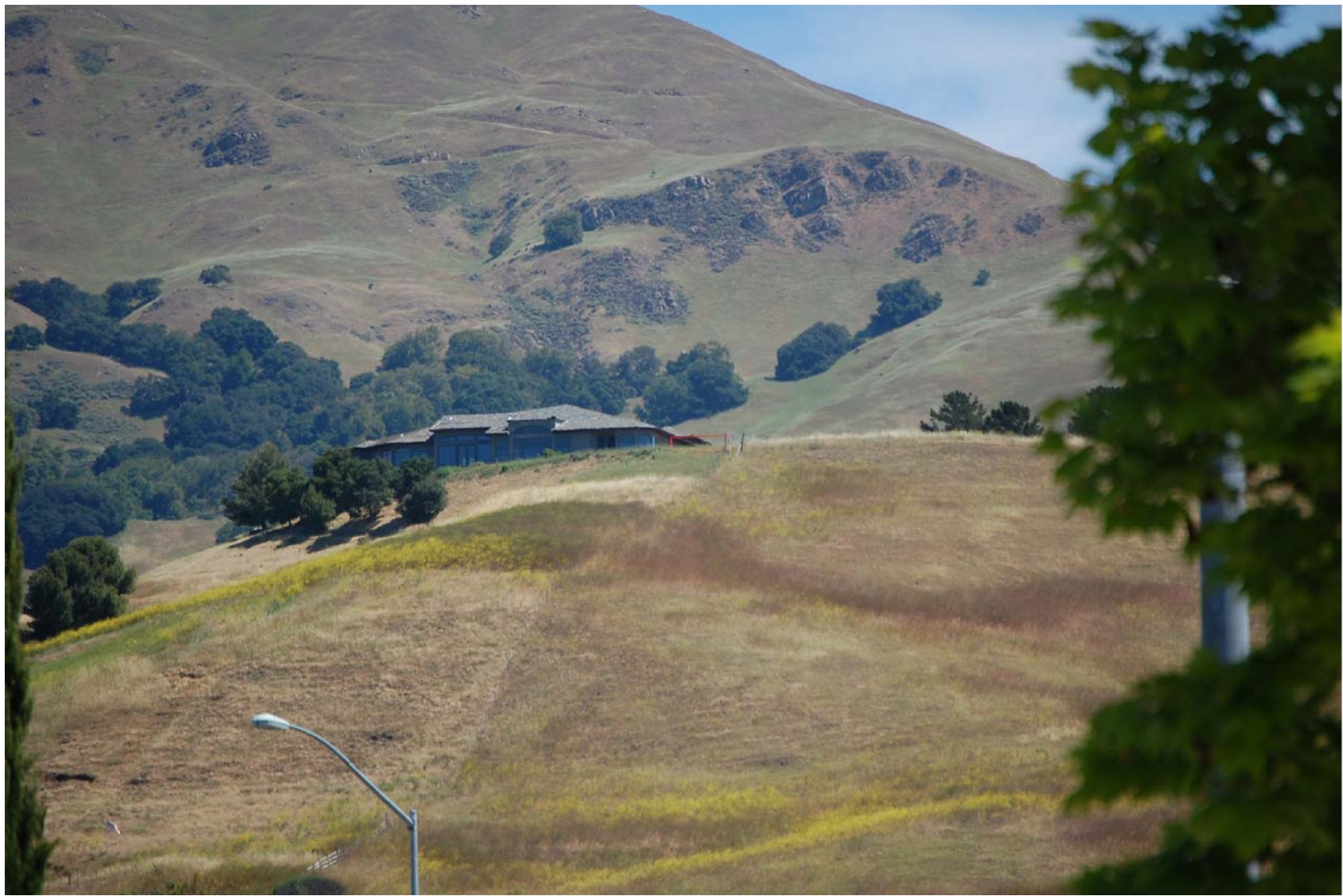


A0.07

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without written consent of the architect.



ZOOMED-IN VIEW FROM VIEWPOINT 5 | 6



ZOOMED-IN VIEW FROM VIEWPOINT 4 | 4



ZOOMED-IN VIEW FROM VIEWPOINT 3 | 2



VIEW FROM VIEWPOINT 5 | 5



VIEW FROM VIEWPOINT 4 | 3



VIEW FROM VIEWPOINT 3 | 1

EXHIBIT NOTES

1. LOCATION OF VIEWPOINTS TAKEN FROM THE CITY OF MILPITAS ZONING MAP DATED OCTOBER 2012.
2. SEE CIVIL DRAWINGS EX1 AND EX2 FOR ADDITIONAL VIEWPOINT EXHIBITS AND SITE SECTIONS.
3. VIEWPOINT EXHIBITS SUPPORT COMPLIANCE WITH ZONING ORDINANCE CHAPTER 10-45.06 REGARDING THE CRESTLINE ZONE OF PROTECTION.

PAN RESIDENCE

1000 Country Club Drive
Milpitas, CA

APN#: 029-03-014

Owner:
SAN Partners, LLC
P.O. Box 810910
San Jose, CA 95161
(408) 432-8500
Contact: Theresa Pan

Structural Engineer :
Peoples Associates
1996 Tarob Court
Milpitas, CA 95035
(415) 957-9220
Contact: Jeff Medeiros

Architect:
Plau Long Architecture LTD
98 Jack London Alley
San Francisco, CA 94107
(415) 908-6408
Principal: Peter Plau
Contact: Melanie Turner

Civil:
Lea & Braze Engineering Inc,
2495 Industrial Parkway West
Hayward, CA 94545
(510) 887-4086
Principal: Peter Carlino
Contact: Randy West
Contact: Brad Sundheimer

Landscape Architect:
Blasen Landscape Architecture
500 Red Hill Avenue
San Anselmo, CA 94960
(415) 485-3885
Principal: Eric Blasen
Contact: Beth Lee

Mechanical, Electrical, and Plumbing:
Engineering 350, LLC
870 Market St, Suite 458
San Francisco, CA 94102
(707) 320-1352
Principal: Ray Keane
Contact: Kim Zylker

Waterproofing
Simpson Gumpertz & Heger
100 Pine Street, Suite 1600
San Francisco, CA 94110
(415) 495-3700
Contact: David Noma

Architect Consultant

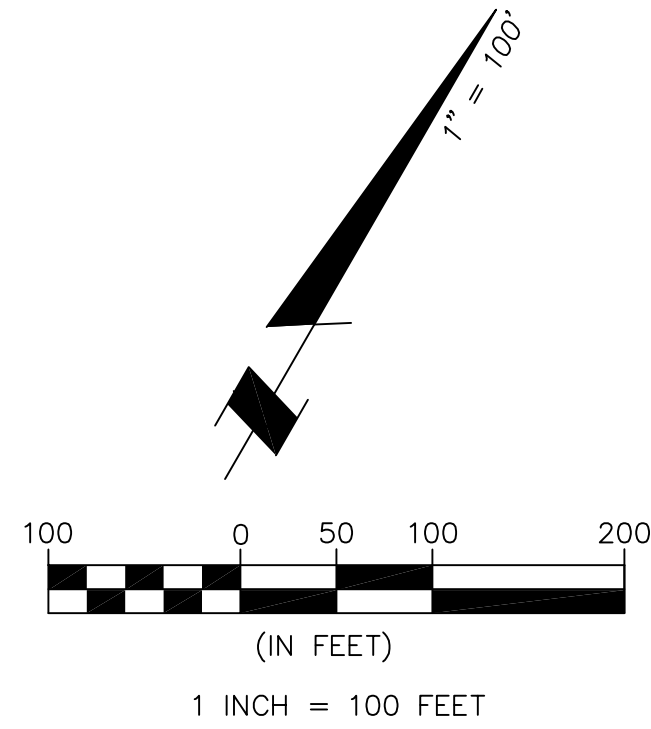
No. Date Issues and Revisions By Check

05/19/15 Site Dev. Permit Amend. Rev. 2 MD MT

Project Name 1000 Country Club Drive Residence
Project Number 23006

Description VIEWPOINT EXHIBITS

Ref. North Sheet 1 Of 1



BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE GRID NORTH BASED UPON A GPS SURVEY USING THE LEICA IROVER AND THE LEICA SMARTNET GPS NETWORK. DISTANCES SHOWN ARE GROUND DISTANCES.

BENCHMARK

ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD 88 DATUM.

NOTES:

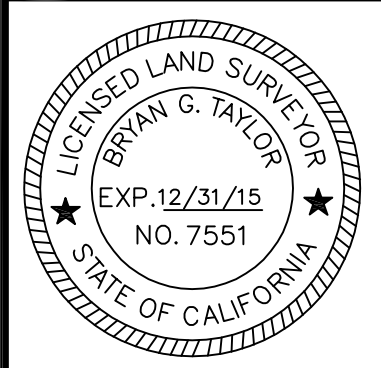
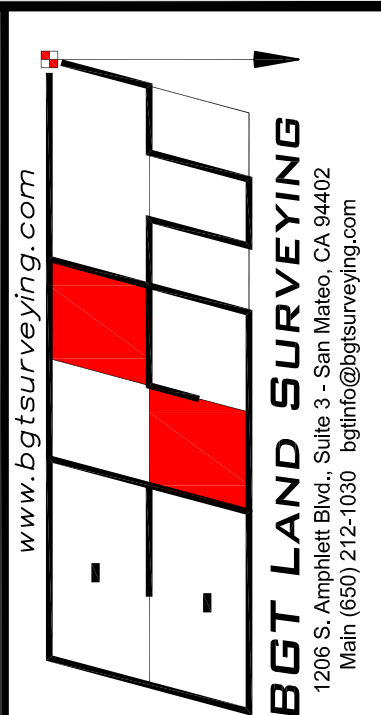
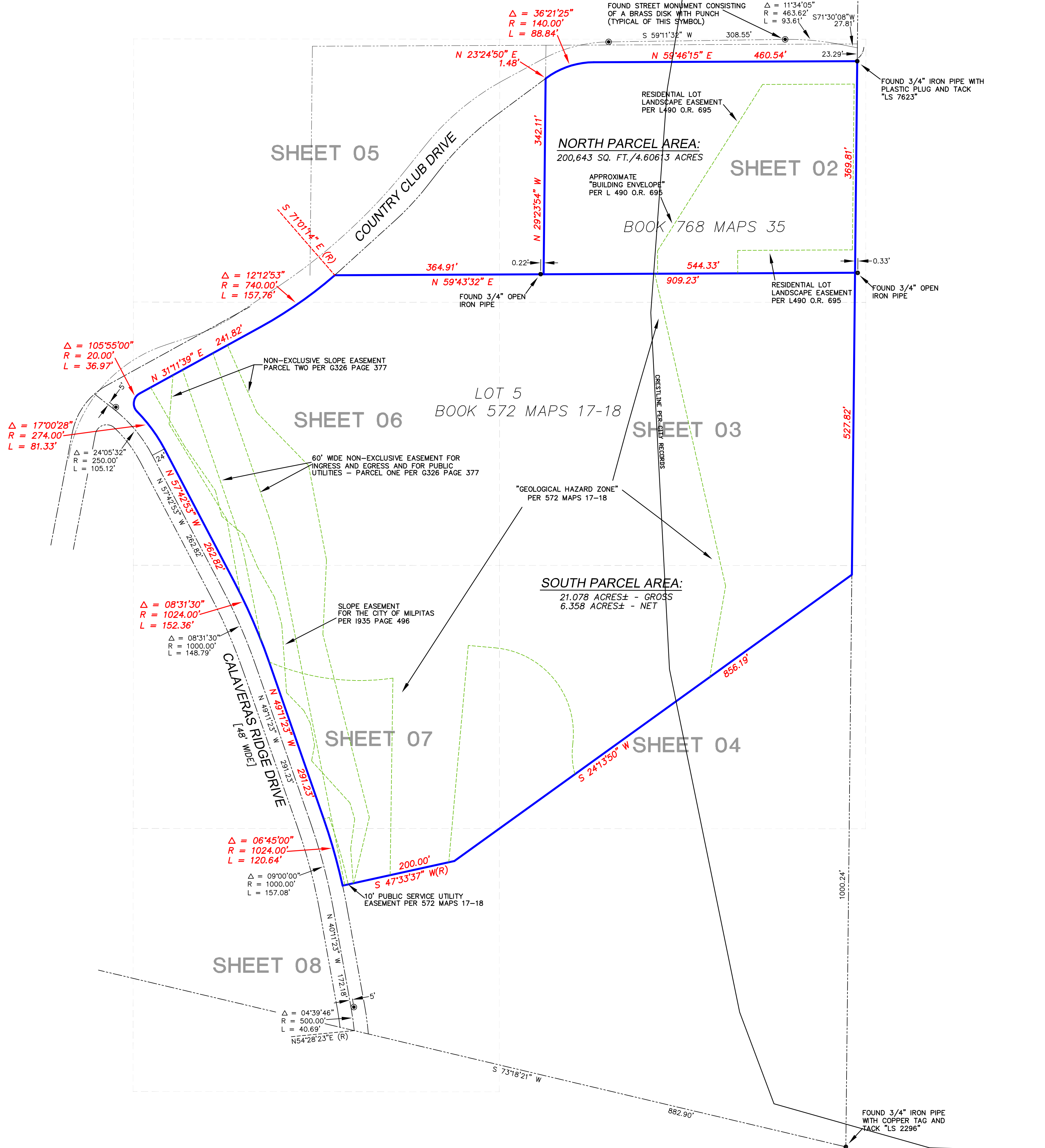
BGT RELIED UPON TWO PRELIMINARY REPORTS THAT COVER THE NORTHERLY AND SOUTHERLY SUBJECT PROPERTIES: CHICAGO TITLE COMPANY PRELIMINARY REPORT, ORDER NO. 43800770, WAS USED FOR THE NORTHERLY PARCEL, AND OLD REPUBLIC TITLE COMPANY PRELIMINARY REPORT, ORDER NO. 0616007854, FOR THE SOUTHERLY PARCEL. EASEMENTS PLOTTED ARE THOSE REFERENCED WITHIN THE REPORTS.

UTILITIES SHOWN HEREON TAKEN FROM VISUAL SURFACE EVIDENCE AND SHOULD BE CONSIDERED AS APPROXIMATE ONLY. ACTUAL LOCATIONS OF UTILITIES MAY VARY. TRUE LOCATION OF UTILITIES CAN ONLY BE OBTAINED BY EXPOSING THE UTILITY.

TREE LOCATIONS SHOWN HEREON ARE SHOWN SYMBOLICALLY WITH SYMBOL SIZES BASED UPON TRUNK DIAMETER AT CHEST HEIGHT, AT THE LOCATION WHERE THE TREE ENTERS THE GROUND SURFACE. LOCATIONS AND SIZES OF TREE TRUNKS CAN ONLY BE CONSIDERED APPROXIMATE UNLESS OTHERWISE STATED ON THE MAP. TREES OF TRUNK DIAMETER SIZES OF 6 INCHES OR GREATER WERE LOCATED BY THE FIELD CREW.

FIELD SURVEY PERFORMED BY: BGT LAND SURVEYING
www.bgtsurveying.com
DATE OF FIELD SURVEY: MAY 24, 2013
JOB NUMBER: 13-077

AERIAL MAPPING PROVIDED BY: 3Di GEOTERRA MAPPING GROUP
www.3DiMapping.com
DATE OF PHOTOGRAPHY: MAY 17, 2013

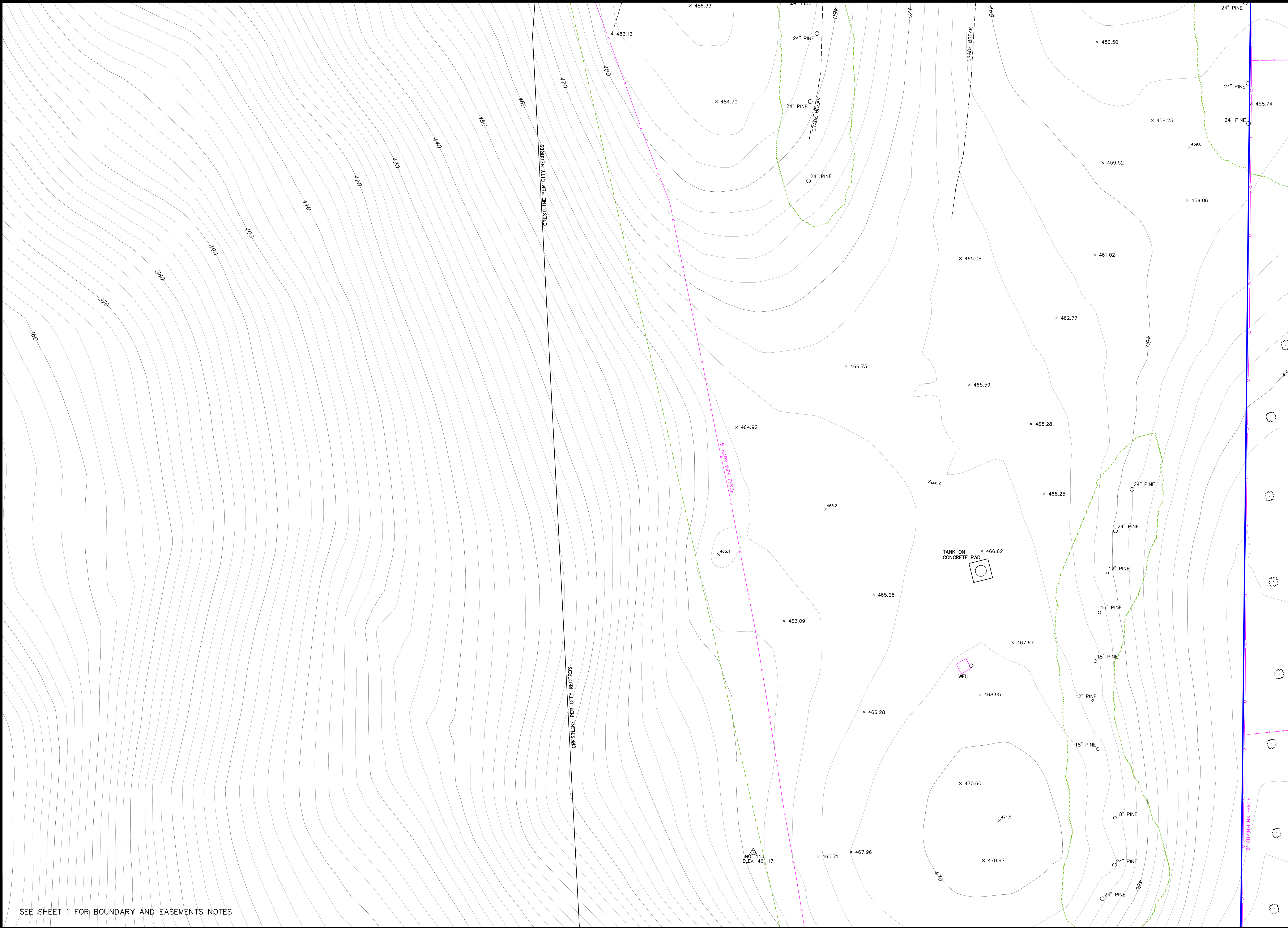


Assessor Parcel Number:
029-03-014
029-03-024

Prepared For:
T.G. DYNAMICS GROUP, LLC.
2185 FORTUNE DRIVE
SAN JOSE, CA 95131

BOUNDARY AND TOPOGRAPHIC SURVEY
FORMER "LANDS OF MARTINEZ" (BOOK 768 MAPS 35), AND LOT 5, PER "TRACT NO. 7935" (BOOK 572 MAPS 17)
1000 COUNTRY CLUB DR. & 1050 CALAVARES RIDGE DR.
MILPITAS, COUNTY OF SANTA CLARA, CALIFORNIA

Date: JUNE 2013
Scale: 1" = 100'
Contour Interval: n/a
Drawn: LHL
Drawing Number:
SU-1
SHEET 1 OF 8
Job No. 13-077



SEE SHEET 1 FOR BOUNDARY AND EASEMENTS NOTES

BGT LAND SURVEYING
1206 S. Amphlett Blvd., Suite 3 - San Mateo, CA 94402
Main (650) 212-1030 bgtlandsurveying.com

LICENSED LAND SURVEYOR
BRIAN G. TAYLOR
EXP. 12/31/15
NO. 7551
STATE OF CALIFORNIA

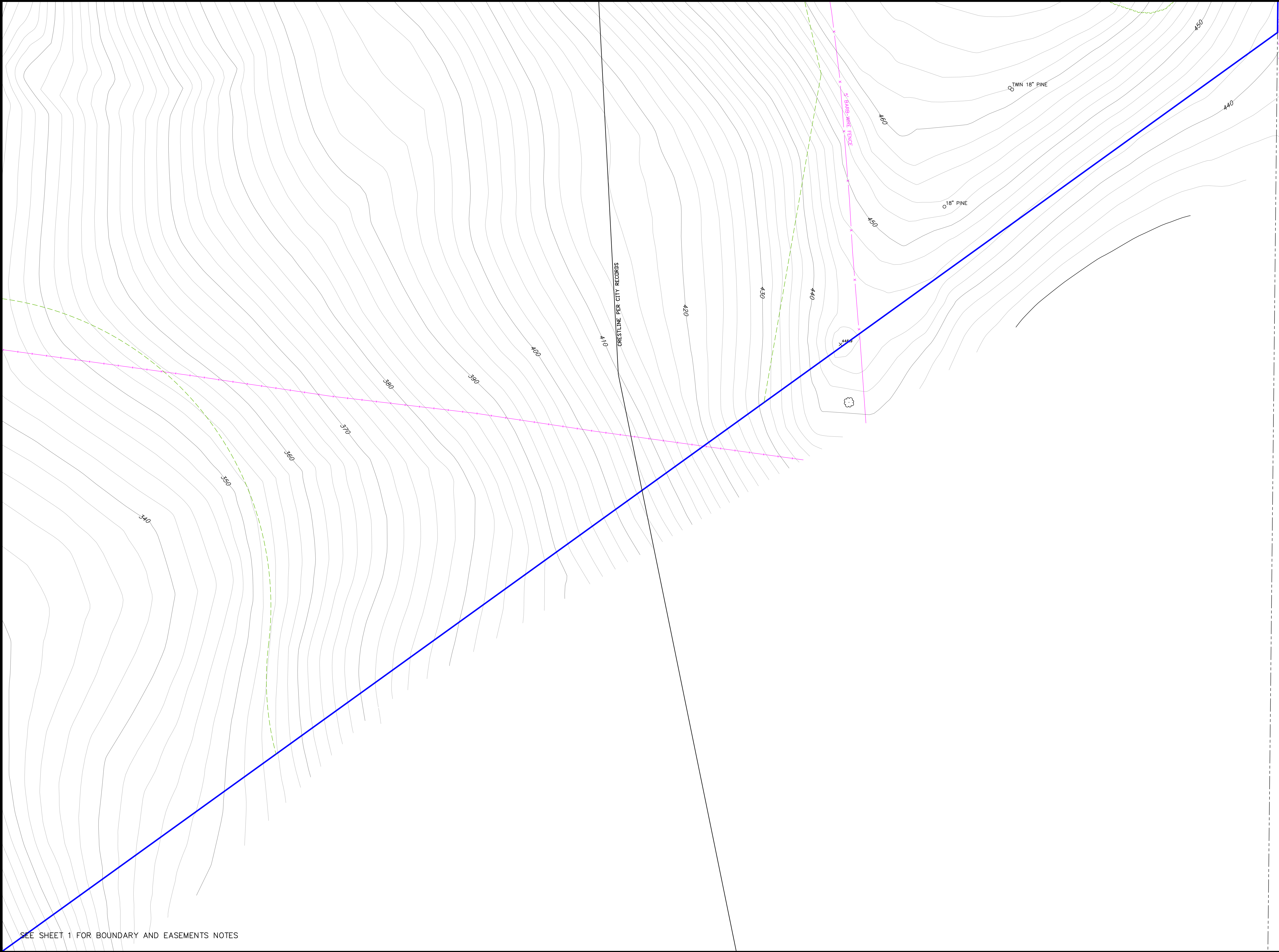
Assessor Parcel Number:
029-03-024

Prepared For:
T.G. DYNAMICS GROUP, LLC
2185 FORTUNE DRIVE
SAN JOSE, CA 95131

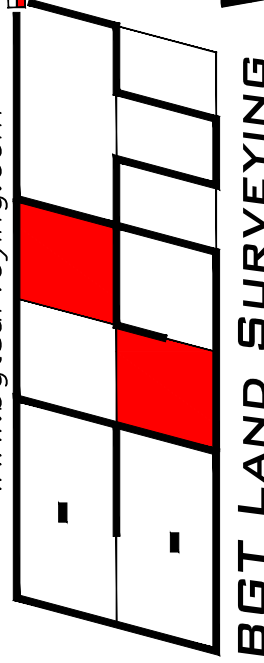
BOUNDARY AND TOPOGRAPHIC SURVEY

1050 CALAVERAS RIDGE DRIVE
MILPITAS, COUNTY OF SANTA CLARA, CALIFORNIA

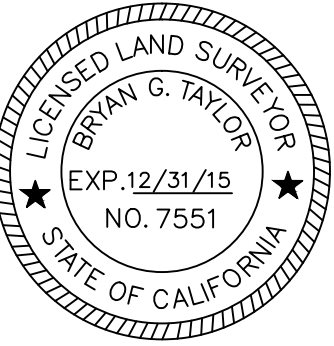
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Contour Interval: 2'
Drawn: LHL
Drawing Number:
SU-1
SHEET 3 OF 8
Job No. 13-077



SEE SHEET 1 FOR BOUNDARY AND EASEMENTS NOTES



BGT LAND SURVEYING
1206 S. Amphlett Blvd., Suite 3 - San Mateo, CA 94402
Main: (650) 212-1030 bgtlandsurveying.com



LICENSED LAND SURVEYOR
BRIAN G. TAYLOR
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NO. 7551
STATE OF CALIFORNIA

Assessor Parcel Number:
029-03-024

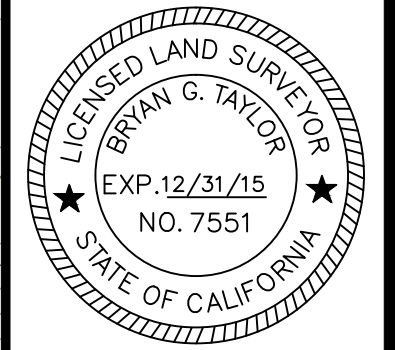
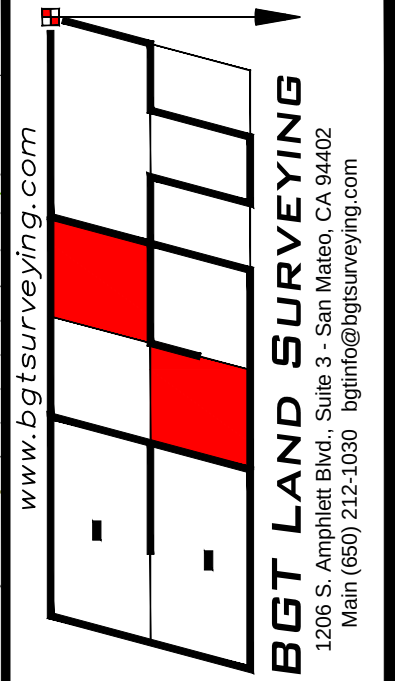
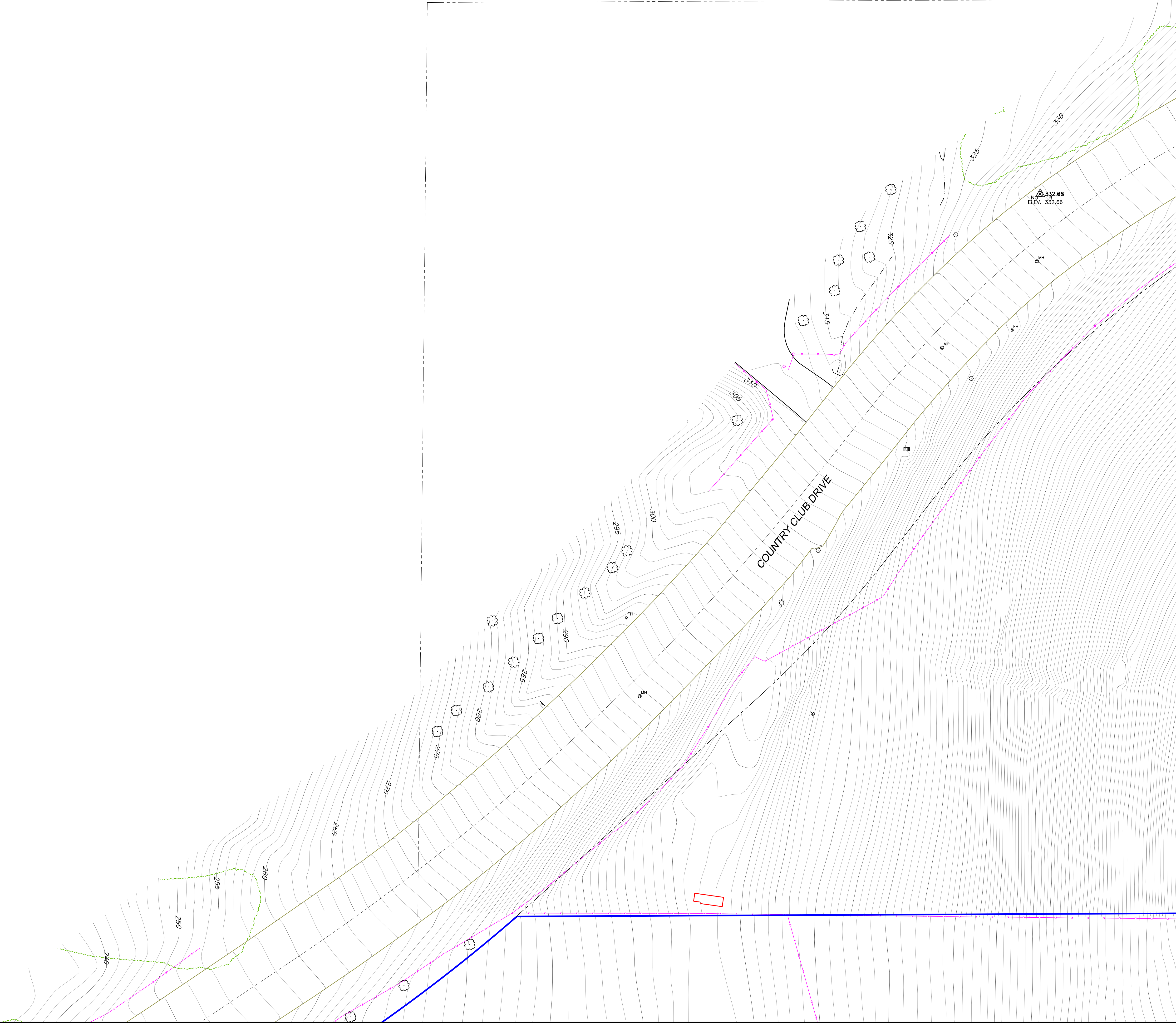
Prepared For:
T.G. DYNAMICS GROUP, LLC
2185 FORTUNE DRIVE
SAN JOSE, CA 95131

BOUNDARY AND TOPOGRAPHIC SURVEY

1050 CALAVERAS RIDGE DRIVE
MILPITAS, COUNTY OF SANTA CLARA, CALIFORNIA

Date: JUNE 2013
Scale: 1" = 20'
Contour Interval: 2'
Drawn: LHL
Drawing Number:
SU-1
SHEET 4 OF 8
Job No. 13-077

SEE SHEET 1 FOR BOUNDARY AND EASEMENTS NOTES



Assessor Parcel Number:
029-03-024

Prepared For:
T.G. DYNAMICS GROUP, LLC
2185 FORTUNE DRIVE
SAN JOSE, CA 95131

BOUNDARY AND TOPOGRAPHIC SURVEY
1050 CALAVERAS RIDGE DRIVE
MILPITAS, COUNTY OF SANTA CLARA, CALIFORNIA

Date: JUNE 2013
Scale: 1" = 20'
Contour Interval: 1' & 2'
Drawn: LHL
Drawing Number:
SU-1
SHEET 5 OF 8
Job No. 13-077

PAN RESIDENCE

1000 COUNTRY CLUB DRIVE

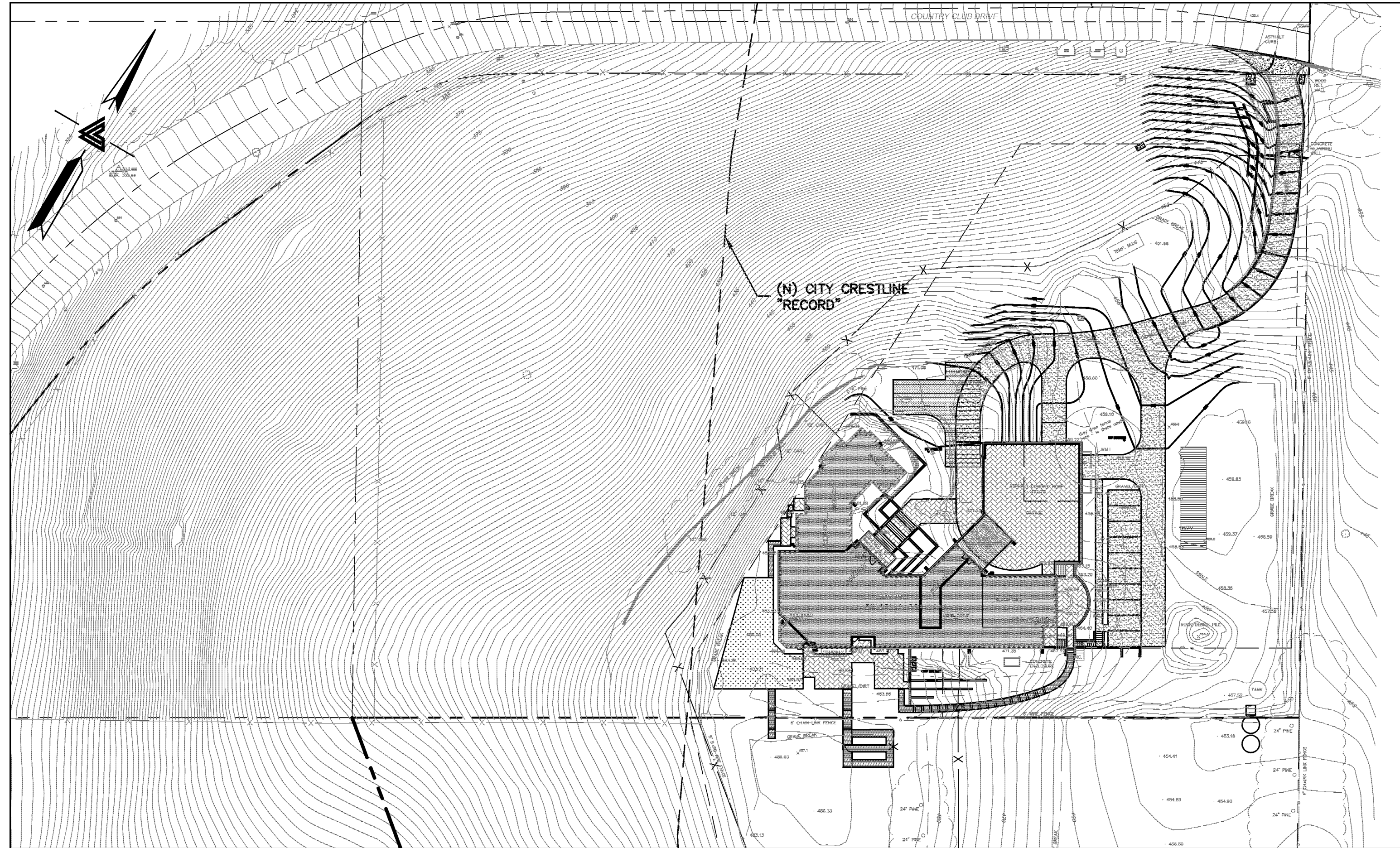
MILPITAS, CALIFORNIA

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	BOUNDARY
---	---	PROPERTY LINE
---	---	RETAINING WALL
---	---	LANDSCAPE RETAINING WALL
---	---	RAINWATER TIGHTLINE
---	---	SUBDRAIN LINE
---	---	TIGHTLINE
---	---	STORM DRAIN LINE
---	---	SANITARY SEWER LINE
---	---	WATER LINE
---	---	GAS LINE
---	---	PRESSURE LINE
---	---	JOINT TRENCH
---	---	SET BACK LINE
---	---	CONCRETE VALLEY GUTTER
---	---	EARTHEN SWALE
---	---	CATCH BASIN
---	---	JUNCTION BOX
---	---	AREA DRAIN
---	---	CURB INLET
---	---	STORM DRAIN MANHOLE
---	---	FIRE HYDRANT
---	---	SANITARY SEWER MANHOLE
---	---	STREET SIGN
---	---	SPOT ELEVATION
---	---	FLOW DIRECTION
---	---	DEMOLISH/REMOVE
---	---	BENCHMARK
---	---	CONTOURS
---	---	TREE TO BE REMOVED

ABBREVIATIONS

AB	AGGREGATE BASE	LNDG	LANDING
AC	ASPHALT CONCRETE	LF	LINEAR FEET
ACC	ACCESSIBLE	MAX	MAXIMUM
AD	AREA DRAIN	MH	MANHOLE
BC	BEGINNING OF CURVE	MIN	MINIMUM
B & D	BEARING & DISTANCE	MON.	MONUMENT
BFPD	BACKFLOW PREVENTION DEVICE	(N)	NEW
BM	BENCHMARK	NTS	NOT TO SCALE
BW/FG	BOTTOM OF WALL/FINISH	O.C.	ON CENTER
CB	CATCH BASIN	O/	OVER
C & G	CURB AND GUTTER	(PA)	PLANTING AREA
C	CENTER LINE	PED	PEDESTRIAN
CPP	CORRUGATED PLASTIC PIPE	PIV	POST INDICATOR VALVE
	(SMOOTH INTERIOR)	PSS	PUBLIC SERVICES EASEMENT
CO	CLEANOUT	P	PROPERTY LINE
COTG	CLEANOUT TO GRADE	PP	POWER POLE
CONC	CONCRETE	PUE	PUBLIC UTILITY EASEMENT
CONST	CONSTRUCT or -TION	PVC	POLYVINYL CHLORIDE
CONC COR	CONCRETE CORNER	R	RADIUS
CY	CUBIC YARD	RCP	REINFORCED CONCRETE PIPE
D	DIAMETER	RIM	RIM ELEVATION
DI	DROP INLET	RW	RAINWATER
DIP	DUCTILE IRON PIPE	R/W	RIGHT OF WAY
EA	EACH	S	SLOPE
EC	END OF CURVE	S.A.D.	SEE ARCHITECTURAL DRAWINGS
EG	EXISTING GRADE	SAN	SANITARY
EL	ELEVATIONS	SD	STORM DRAIN
EP	EDGE OF PAVEMENT	SDMH	STORM DRAIN MANHOLE
EQ	EQUIPMENT	SHT	SHEET
EW	EACH WAY	S.L.D.	SEE LANDSCAPE DRAWINGS
(E)	EXISTING	SPEC	SPECIFICATION
FC	FACE OF CURB	SS	SANITARY SEWER
FF	FINISHED FLOOR	SSCO	SANITARY SEWER CLEANOUT
FG	FINISHED GRADE	SSMH	SANITARY SEWER MANHOLE
FH	FIRE HYDRANT	ST	STREET
FL	FLOW LINE	STA	STATION
FS	FINISHED SURFACE	STD	STANDARD
G	GAGE OR GAUGE	STRUCT	STRUCTURAL
GA	GRADE BREAK	T	TELEPHONE
GB	HIGH DENSITY CORRUGATED	TC	TOP OF CURB
HDPE	POLYETHYLENE PIPE	TP	TEMPORARY
HORIZ	HORIZONTAL	TP	TOP OF PAVEMENT
HI PT	HIGH POINT	TW/FG	TOP OF WALL/FINISH GRADE
H&T	HUB & TACK	TYP	TYPICAL
ID	INSIDE DIAMETER	VC	VERTICAL CURVE
INV	INVERT ELEVATION	VCP	VITRIFIED CLAY PIPE
JB	JUNCTION BOX	VERT	VERTICAL
JT	JOINT TRENCH	W/	WITH
JP	JOINT UTILITY POLE	W, WL	WATER LINE
L	LENGTH	WM	WATER METER
		WWF	WELDED WIRE FABRIC



KEY MAP

1" = 50'

GENERAL

- INCLUDE ANY NECESSARY DETAILS AND SPECIFICATIONS WITH THE PLANS IF THEY ARE NOT CITY STANDARDS OR APPROVED EQUALS.
- SHOW THE LOCATIONS OF ALL EXISTING AND PROPOSED PUBLIC FACILITIES (STREETS-INCLUDE STREET NAME (ALSO STATE PRIVATE STREET IF PRIVATE MAINTAINED ROAD), STREET LIGHT, STORM DRAIN, SEWER, WATER ETC.), AND ANY PROPOSED CONNECTIONS TO PUBLIC FACILITIES.
- SHOW ALL EXISTING AND ANY PROPOSED EASEMENT OR RIGHT OF WAY DEDICATION ON PLANS.
- PRIOR TO THE START OF ANY WORK WITHIN THE CITY RIGHT OF WAY (PUBLIC STREET OR EASEMENT), THE DEVELOPERS CONTRACTOR SHALL OBTAIN AN ENCROACHMENT PERMIT. ALSO INCLUDE OTHER PUBLIC WORK GENERAL CONSTRUCTION NOTES - SEE ENGINEERING PLANS AND MAP PROCEDURES AND GUIDELINES.

WATER

- SHOW THE SIZE(S) AND LOCATION(S) OF ALL EXISTING AND PROPOSED WATER MAINS, SERVICE(S), METER(S) AND BACKFLOW DEVICE(S) ON THE PLANS. ALSO, SHOW DEPTH AND MATERIAL OF EXISTING MAIN FOR WET/HOT TAPS OR ISOLATION VALVES FOR CUTTING IN TEE'S.
- DOMESTIC WATER METERS - ADD NOTE: INSTALL REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE AS PER CITY STANDARD DRAWING #734.
- FIRE SERVICES - ADD NOTE: INSTALL DETECTOR CHECK VALVE PER CITY STANDARD DRAWING #730 FOR COMMERCIAL/INDUSTRIAL USE. LOOPED FIRE SERVICES REQUIRE DOUBLE CHECK DETECTOR CHECK VALVE.
- INDICATE ANY EXISTING WELL(S) TO BE MAINTAINED OR ABANDONED IN ACCORDANCE WITH SANTA CLARA VALLEY WATER DISTRICT. AIR GAP OR REDUCED BACKFLOW PROTECTION IS ALSO REQUIRED FOR ALL ACTIVE (NON-SEALED) WELLS.

SEWER

- SHOW SIZE(S) AND LOCATION(S) OF EXISTING AND PROPOSED MAINS, LATERAL(S), CLEAN OUT(S) AND ANY NECESSARY SEWER BACKFLOW DEVICE(S) ON THE PLANS.
- RESIDENTIAL DEVELOPMENTS REQUIRE A 4" SEWER LATERAL AND CLEANOUT AS PER CITY STANDARD DRAWING #620, SHEET 1.
- SHOW THE LOWEST FINISH FLOOR ELEVATION OF THE STRUCTURE AND THE RIM ELEVATION OF NEAREST UPSTREAM SANITARY MANHOLE ON THE PLANS. IF THE LOWEST FLOOR ELEVATION IS LESS THAN ONE FOOT ABOVE THE RIM ELEVATION OF THE NEAREST UPSTREAM MANHOLE, THEN A BACKFLOW PREVENTER PER CITY STANDARD DRAWING #624 IS REQUIRED.
- APPLICANT SHALL CONTACT THE SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT (SJ/SC WPCP 408-945-5300) FOR THEIR REQUIREMENTS ON PLAN APPROVAL.

STORM

- SHOW SIZE(S) AND LOCATION(S) OF ALL EXISTING AND PROPOSED STORM WATER FACILITIES ON THE PLANS.
- SHOW HOW ALL ON-SITE DRAINAGE IS CONVEYED OFF-SITE (STREET, GREEN BELT, ETC.) INCLUDING CONNECTIONS TO THE CITY STORM DRAIN SYSTEM INCLUDING CREEK AND CHANNELS. ALSO SHOW THE LOCATIONS AND SIZES OF ALL INLETS, DISSIPATERS, PIPES, THROUGH CURB DRAINS, ETC.

DRIVEWAY

- SHOW WIDTH(S) AND LOCATION(S) OF ALL EXISTING AND PROPOSED DRIVEWAY(S) ON THE PLANS.

GENERAL NOTES

ALL GENERAL NOTES, SHEET NOTES, AND LEGEND NOTES FOUND IN THESE DOCUMENTS SHALL APPLY. TYPICALLY THROUGHOUT IF INCONSISTENCIES ARE FOUND IN THE VARIOUS NOTATIONS, NOTIFY THE ENGINEER IMMEDIATELY IN WRITING REQUESTING CLARIFICATION.

THESE DRAWINGS AND THEIR CONTENT ARE AND SHALL REMAIN THE PROPERTY OF LEA & BRAZE ENGINEERING, INC. WHETHER THE PROJECT FOR WHICH THEY ARE PREPARED IS EXECUTED OR NOT. THEY ARE NOT TO BE USED BY ANY PERSONS ON OTHER PROJECTS OR EXTENSIONS OF THE PROJECT EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ENGINEER.

ALL WORK SHALL COMPLY WITH APPLICABLE CODES AND TRADE STANDARDS WHICH GOVERN EACH PHASE OF WORK INCLUDING, BUT NOT LIMITED TO, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA FIRE CODE, CALTRANS STANDARDS AND SPECIFICATIONS, AND ALL APPLICABLE STATE AND/OR LOCAL CODES AND/OR LEGISLATION.

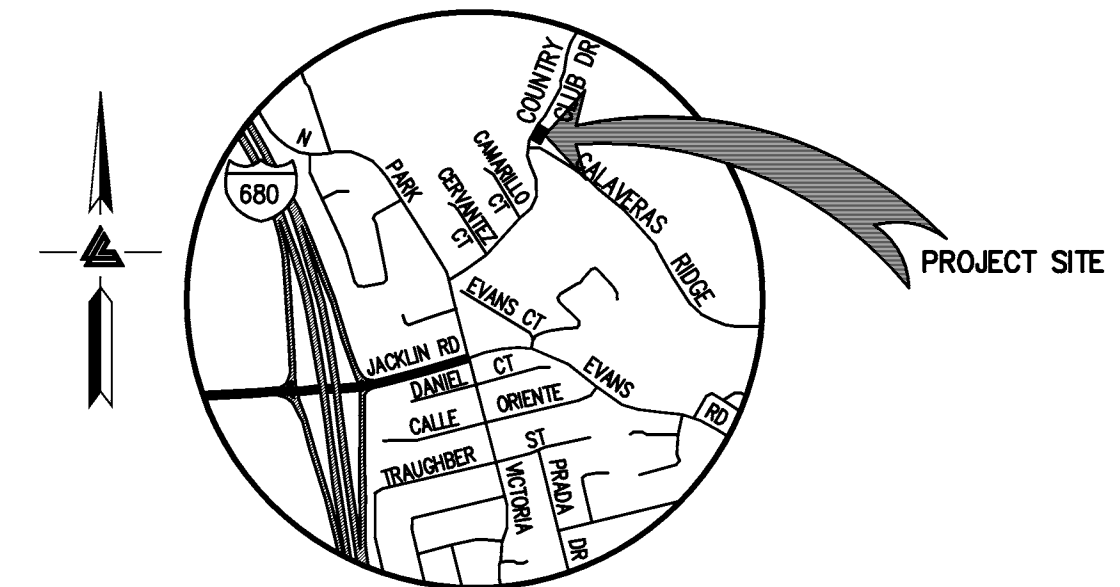
IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND ALL SUBCONTRACTORS TO CHECK AND VERIFY ALL CONDITIONS, DIMENSIONS, LINES AND LEVELS INDICATED. PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY NOTIFY THE ENGINEER FOR CORRECTION OR ADJUSTMENT THE EVENT OF FAILURE TO DO SO, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTION OF ANY ERROR.

ALL DIMENSIONS AND CONDITIONS SHALL BE CHECKED AND VERIFIED ON THE JOB BY EACH SUBCONTRACTOR BEFORE HE/SHE BEGINS HIS/HER WORK. ANY ERRORS, OMISSION, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER/CONTRACTOR BEFORE CONSTRUCTION BEGINS.

COMMENCEMENT OF WORK BY THE CONTRACTOR AND/OR ANY SUBCONTRACTOR SHALL INDICATE KNOWLEDGE AND ACCEPTANCE OF ALL CONDITIONS DESCRIBED IN THESE CONSTRUCTION DOCUMENTS, OR EXISTING ON SITE, WHICH COULD AFFECT THEIR WORK.

NOTE:
A PUBLIC WORKS ENCROACHMENT PERMIT IS REQUIRED FOR ANY WORK WITHIN CITY RIGHT-OF-WAY OR EASEMENT. CONTRACTOR SHALL SUBMIT 3 SETS OF APPROVED PLANS WITH COMPLETED / SIGNED ENCROACHMENT PERMIT APPLICATION INCLUDING INSURANCE, LICENSE (CITY BUSINESS, CONTRACTOR) INFORMATION TO LAND DEVELOPMENT FOR PROCESSING.

NOTE:
CONTRACTOR SHALL CONTACT THE STREET LANDSCAPING SECTION AT 408-586-2801 TO OBTAIN THE REQUIREMENTS AND FORMS FOR REMOVAL OF ANY EXISTING TREE(S).



VICINITY MAP

NTS

OWNER'S INFORMATION

OWNER: SAN PARTNERS LLC
PO BOX 610910,
SAN JOSE, CA

APN: 029-03-014

REFERENCES

THIS GRADING AND DRAINAGE PLAN IS SUPPLEMENTAL TO:

- TOPOGRAPHIC SURVEY BY BGT LAND SURVEYING, ENTITLED: "TOPOGRAPHIC SURVEY" 1000 COUNTRY CLUB DRIVE MILPITAS, CA DATED: MAY 24, 2013 JOB#: 13-077
- ARCHITECTURE BY PFAU LONG ARCHITECTURE, ENTITLED: "PAN RESIDENCE" 1000 COUNTRY CLUB DRIVE MILPITAS, CA DATED: JANUARY 30, 2013
- SOIL REPORT BY ROMIG ENGINEERING, INC. ENTITLED: "GEOTECHNICAL INVESTIGATION" MARTINEZ RESIDENCE 1000 COUNTRY CLUB DRIVE MILPITAS, CA DATED: 12-2-15 JOB#: 1495-1
- LANDSCAPE PLAN BY BLASEN LANDSCAPE ARCHITECTURE, ENTITLED: "SITE PLAN" 1000 COUNTRY CLUB DRIVE MILPITAS, CA DATED: 6-23-14

THE CONTRACTOR SHALL REFER TO THE ABOVE NOTED SURVEY AND PLAN, AND SHALL VERIFY BOTH EXISTING AND PROPOSED ITEMS ACCORDING TO THEM.

ESTIMATED EARTHWORK QUANTITIES

CUBIC YARDS	WITHIN BUILDING FOOTPRINT	OUTSIDE BUILDING FOOTPRINT	TOTAL CUBIC YARDS
CUT	0	3625	3625
FILL	0	115	115
EXPORT			3510

NOTE:

GRADING QUANTITIES REPRESENT BANK YARDAGE. IT DOES NOT INCLUDE ANY SWELLING OR SHRINKAGE FACTORS AND IS INTENDED TO REPRESENT IN-SITU CONDITIONS. QUANTITIES DO NOT INCLUDE OVER-EXCAVATION, TRENCHING, STRUCTURAL FOUNDATIONS OR PIERS, OR POOL EXCAVATION (IF ANY). NOTE ADDITIONAL EARTHWORKS, SUCH AS KEYWAYS OR BENCHING MAY BE REQUIRED BY THE GEOTECHNICAL ENGINEER IN THE FIELD AT TIME OF CONSTRUCTION. CONTRACTOR TO VERIFY QUANTITIES.

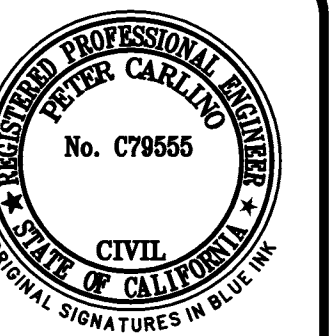
IMPERVIOUS SURFACE CALCULATION

AREA	SQR FT
PERMITTED BUILDING SIZE	11,200
(E) BUILDING FOOTPRINT	14,732
(N) HARDSCAPE	13,079
TOTAL PROPOSED IMPERVIOUS COVERAGE	27,811

SHEET INDEX

C-1.0	TITLE SHEET
C-2.0	SITE LAYOUT PLAN
C-3.0	OVERALL SITE PLAN
C-3.1	GRADING & DRAINAGE PLAN
C-3.2	GRADING & DRAINAGE PLAN
C-3.3	GRADING & DRAINAGE PLAN
C-4.1	UTILITY PLAN
C-4.2	UTILITY PLAN
C-4.3	UTILITY PROFILE
C-5.1	DRIVEWAY PROFILE
C-5.2	SITE SECTIONS
C-6.0	DETAILS
C-6.1	DETAILS
C-6.2	DETAILS
C-7.0	GRADING SPECIFICATIONS
ER-1	EROSION CONTROL
ER-2	EROSION CONTROL DETAILS
EX1	VIEW POINT EXHIBIT
EX2	VIEW POINT SECTIONS

100% DESIGN DEVELOPMENT



LEA & BRAZE ENGINEERING, INC.
CIVIL ENGINEERS • LAND SURVEYORS
SACRAMENTO REGION
BAY AREA REGION
HAYWARD, CALIFORNIA 94545
(P) (510) 887-4086
(F) (510) 887-3019
WWW.LEABRAZE.COM

PAN RESIDENCE
1000 COUNTRY CLUB DR.
MILPITAS, CALIFORNIA

TITLE SHEET

NO.	REVISIONS	BY
1	5-11-15	RB
2	2-12-15	RB
3	9-10-14	RB
4	7-30-14	TB

JOB NO: 2140175

DATE: 5-19-15

SCALE: 1" = 50'

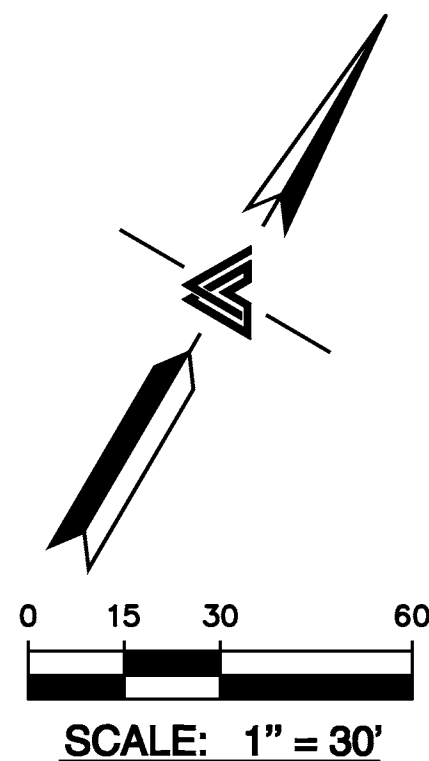
DESIGN BY: BS, RB

DRAWN BY: TB

SHEET NO:

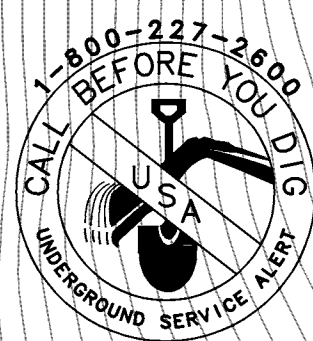
C-1.0

1 OF 19 SHEETS



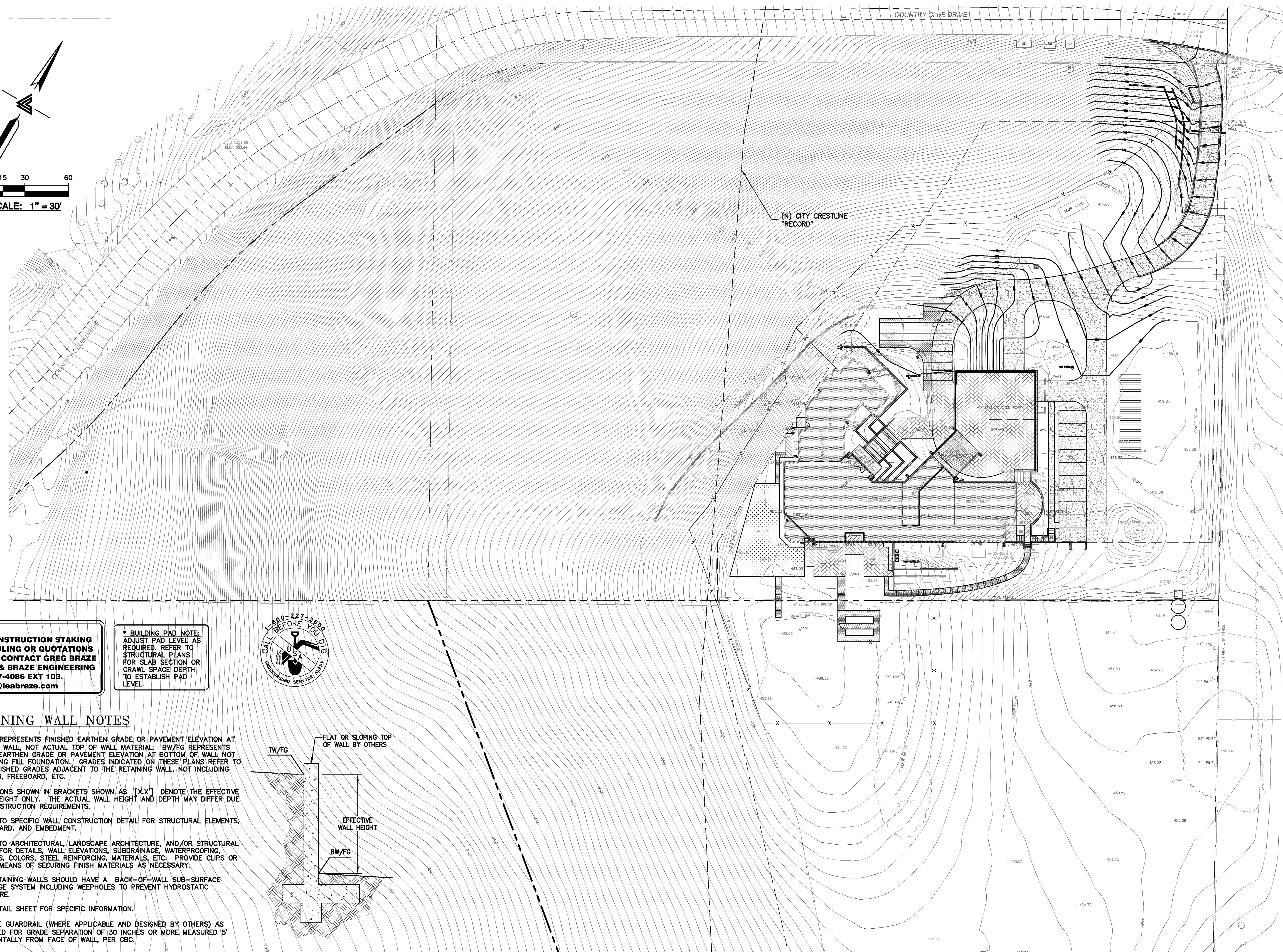
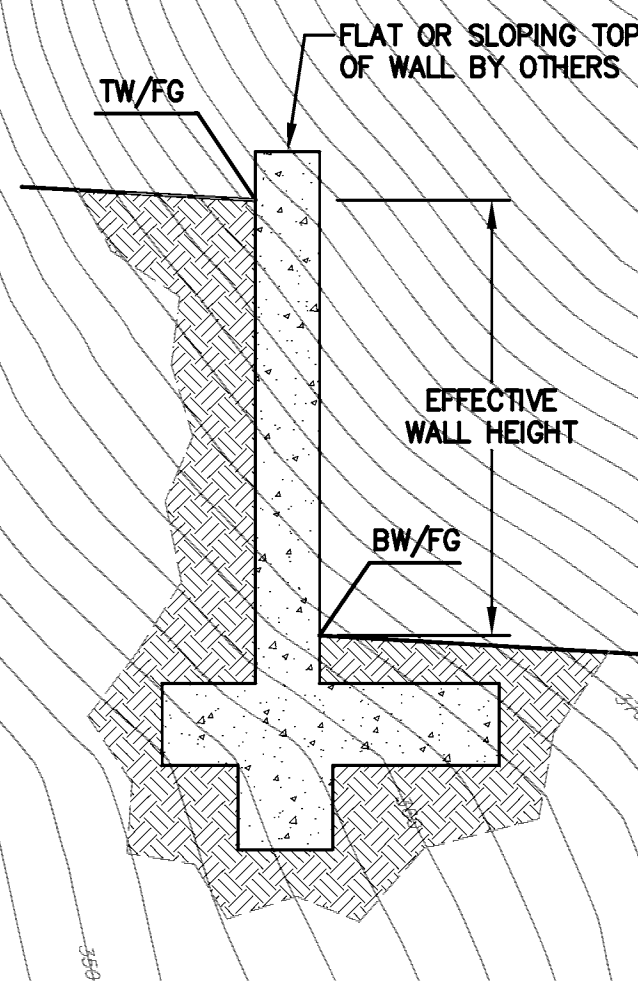
NOTE:
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AT LEA & BRAZE ENGINEERING
(510)887-4086 EXT 103.
gbraze@leabraz.com

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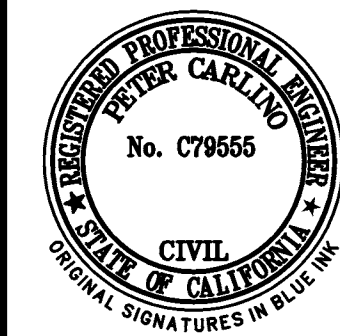


RETAINING WALL NOTES

1. TW/FG REPRESENTS FINISHED EARTHEN GRADE OR PAVEMENT ELEVATION AT TOP OF WALL. NOT ACTUAL TOP OF WALL MATERIAL. BW/FG REPRESENTS FINISH EARTHEN GRADE OR PAVEMENT ELEVATION AT BOTTOM OF WALL NOT INCLUDING FILL FOUNDATION. GRADES INDICATED ON THESE PLANS REFER TO THE FINISHED GRADES ADJACENT TO THE RETAINING WALL, NOT INCLUDING FOOTING, FREEBOARD, ETC.
2. DIMENSIONS SHOWN IN BRACKETS SHOWN AS [X.X'] DENOTE THE EFFECTIVE WALL HEIGHT ONLY. THE ACTUAL WALL HEIGHT AND DEPTH MAY DIFFER DUE TO CONSTRUCTION REQUIREMENTS.
3. REFER TO SPECIFIC WALL CONSTRUCTION DETAIL FOR STRUCTURAL ELEMENTS, FREEBOARD, AND EMBEDMENT.
4. REFER TO ARCHITECTURAL, LANDSCAPE ARCHITECTURE, AND/OR STRUCTURAL PLANS FOR DETAILS, WALL ELEVATIONS, SUBDRAINAGE, WATERPROOFING, FINISHES, COLORS, STEEL REINFORCING, MATERIALS, ETC. PROVIDE CLIPS OR OTHER MEANS OF SECURING FINISH MATERIALS AS NECESSARY.
5. ALL RETAINING WALLS SHOULD HAVE A BACK-OF-WALL SUB-SURFACE DRAINAGE SYSTEM INCLUDING WEEPHOLES TO PREVENT HYDROSTATIC PRESSURE.
6. SEE DETAIL SHEET FOR SPECIFIC INFORMATION.
7. PROVIDE GUARDRAIL (WHERE APPLICABLE AND DESIGNED BY OTHERS) AS REQUIRED FOR GRADE SEPARATION OF 30 INCHES OR MORE MEASURED 5' HORIZONTALLY FROM FACE OF WALL, PER CBC.



100% DESIGN DEVELOPMENT



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PAN RESIDENCE
1000 COUNTRY CLUB DR.
MILPITAS, CALIFORNIA

SANTA CLARA COUNTY APN: 029-03-014

SITE LAYOUT PLAN

4	CITY COMMENTS	RB
3	PLANNING LETTER	RB
2	PLANNING LETTER	RB
1	PLAN REV	TB
	REVISIONS	BY

JOB NO: 2140175

DATE: 5-19-15

SCALE: 1" = 30'

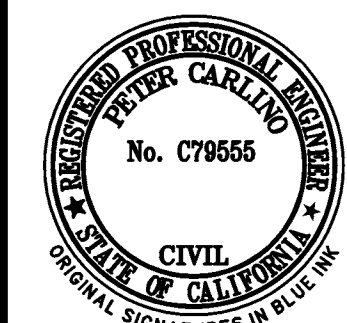
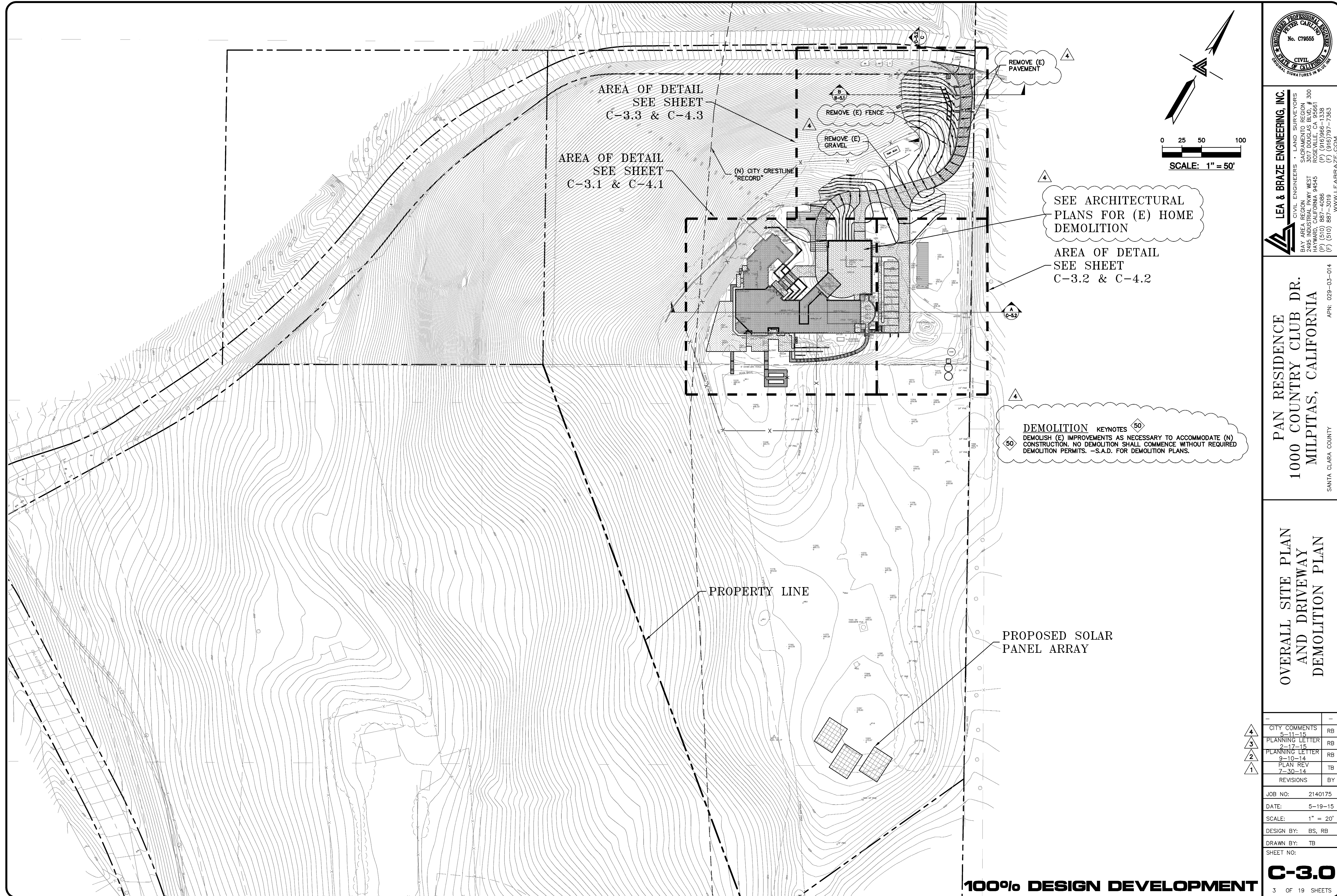
DESIGN BY: BS, RB

DRAWN BY: TB

SHEET NO:

C-2.0

2 OF 19 SHEETS



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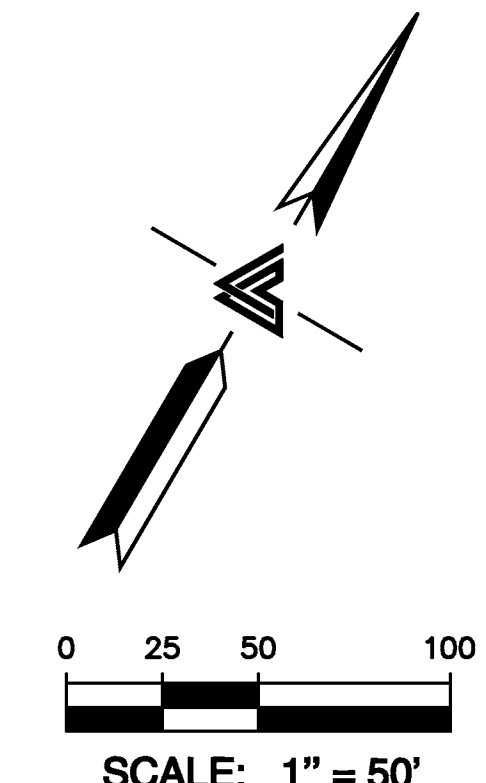
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MILPITAS, CALIFORNIA
SANTA CLARA COUNTY
APN: 029-03-014

OVERALL SITE PLAN
AND DRIVEWAY
DEMOLITION PLAN

NO.	REVISIONS	BY
4	CITY COMMENTS	RB
3	PLANNING LETTER	RB
2	PLANNING LETTER	RB
1	PLAN REV	TB

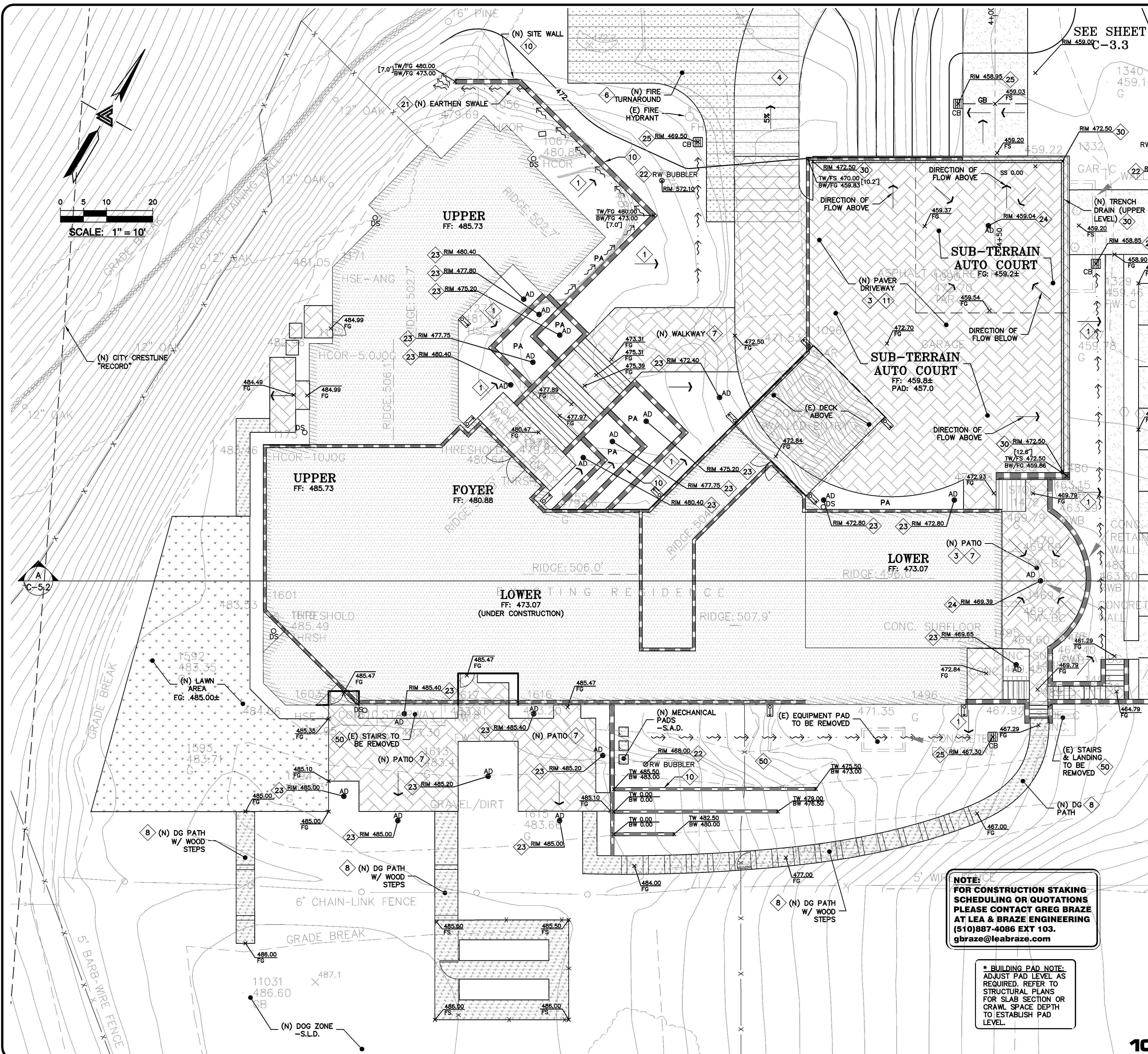
JOB NO: 2140175
DATE: 5-19-15
SCALE: 1" = 20'
DESIGN BY: BS, RB
DRAWN BY: TB
SHEET NO:

C-3.0
3 OF 19 SHEETS



DEMOLITION KEYNOTES 50
DEMOLISH (E) IMPROVEMENTS AS NECESSARY TO ACCOMMODATE (N) CONSTRUCTION. NO DEMOLITION SHALL COMMENCE WITHOUT REQUIRED DEMOLITION PERMITS. -S.A.D. FOR DEMOLITION PLANS.

100% DESIGN DEVELOPMENT



- FLATWORK** KEYNOTES 1 TO 10
- 1 FINISHED GRADES AT BUILDING PERIMETER SHALL BE SLOPED AT A MINIMUM OF 5% FOR THE FIRST 10' AWAY FROM THE BUILDING PER CBC 1804.3 OR TO AN APPROVED DRAINAGE SWALE OR STRUCTURE. GRADES SHALL CONTINUE TO SLOPE TOWARDS POSITIVE DRAINAGE AND A POSITIVE OUTFALL. MAINTAIN 8" CLEARANCE BETWEEN FINISH EARTHEN GRADE AND BOTTOM OF MUD SILL AT ALL TIMES PER CBC 2304.11.2 UNLESS STRUCTURAL DETAILING ALLOWS LESS. REFER TO STRUCTURAL PLANS FOR FOUNDATION DESIGN AND DETAILS.
- 2 SLOPE GARAGE SLAB 1% MINIMUM (1/8" PER FOOT) FROM BACK TO FRONT TO ALLOW FOR ADEQUATE DRAINAGE. MAINTAIN 1/2" TO 1" LIP BETWEEN GARAGE SLAB AND DRIVEWAY. SEE PLANS FOR SPECIFIC DROP.
- 3 PROVIDE 2% (1% MIN.) SLOPE ACROSS FLAT WORK AND/OR PAVING PER CBC 2304.11.2. SLOPE TOWARDS POSITIVE DRAINAGE AS SHOWN ON PLAN.
- 4 (N) AC DRIVEWAY.
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- 6 INSTALL (N) GRASS PAVE SYSTEM FOR HE FIRE TRUCK TURN AROUND AREA.
- 7 (N) CONCRETE SECTION. 6" PCC OVER 4" AB.
- 8 (N) CRUSHED STONE WITH WOOD STEP TIES. SEE LANDSCAPE PLANS FOR MORE DETAIL.
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- 21 CONSTRUCT (N) EARTHEN SWALE SLOPED AT 1% MINIMUM TOWARDS POSITIVE OUTFALL.
- 22 CONNECT RAINWATER DOWNSPOUTS TO 6" PVC (SDR-35) TIGHTLINE SLOPED AT 1% MINIMUM. PROVIDE MINIMUM 30" COVER. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION. AVOID USING 90° BENDS AND INSTEAD USE (2) 45° BENDS. CONNECT TO BUBBLE UP DRAIN PER DETAIL 9 ON SHEET C-6.1.
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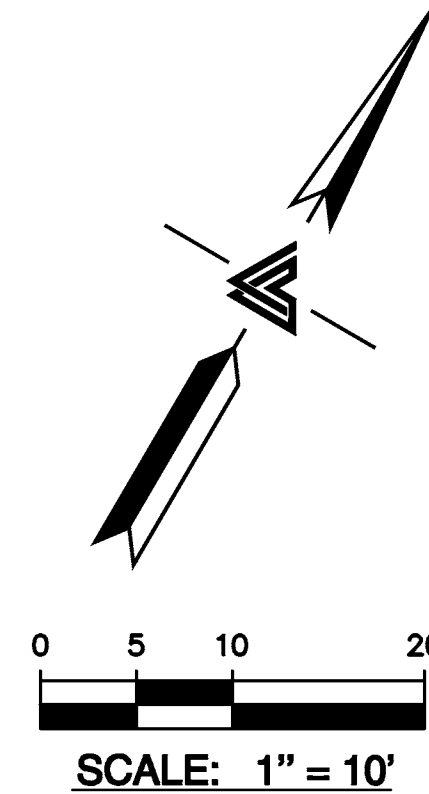
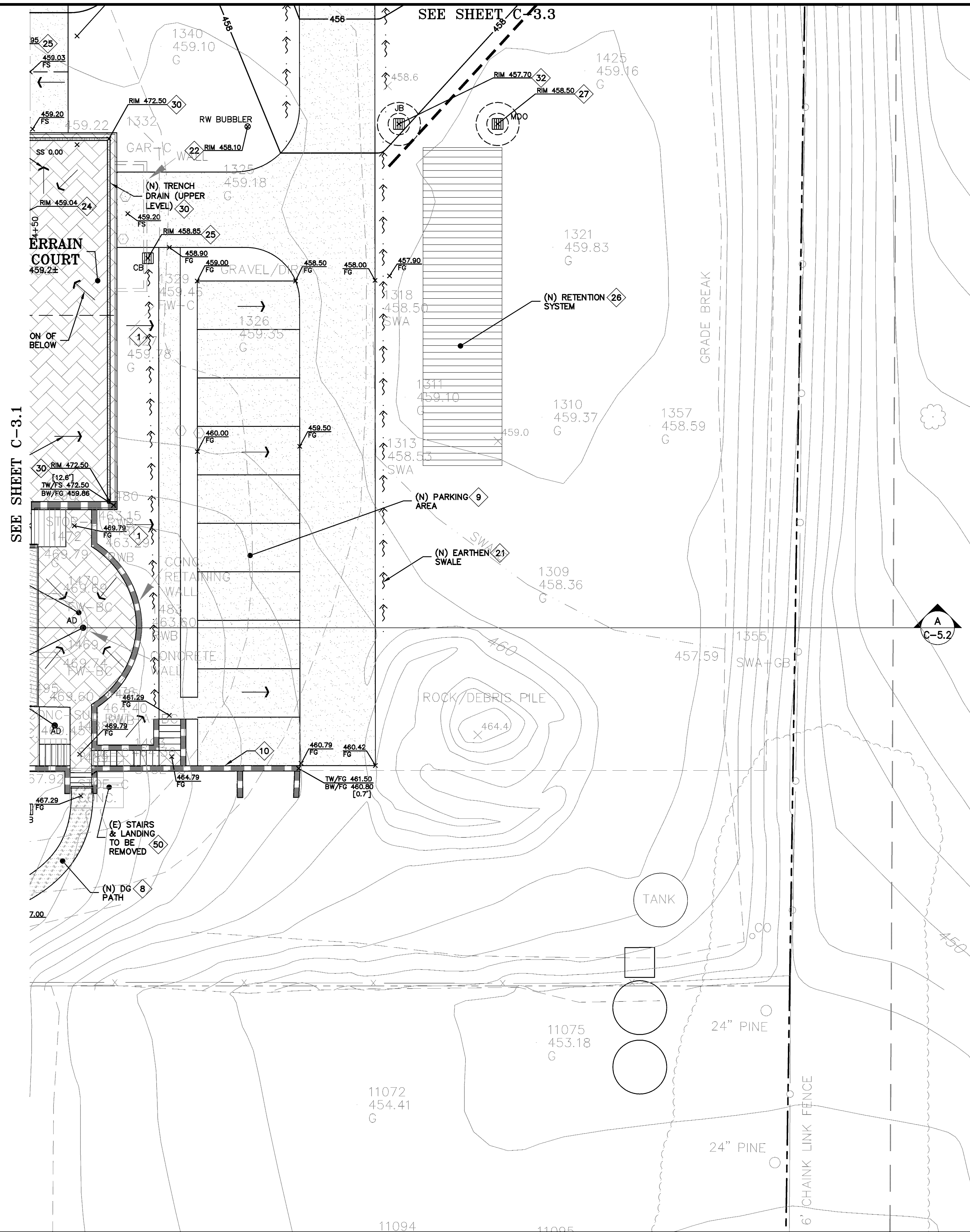
**GRADING &
DRAINAGE PLAN**

CITY COMMENTS	
5-11-15	RB
PLANNING LETTER 2-12-15	RB
PLANNING LETTER 9-10-14	RB
PLAN REV 7-30-14	TB
REVISIONS	BY

JOB NO: 2140175
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SHEET NO:

C-3.1
4 OF 19 SHEETS

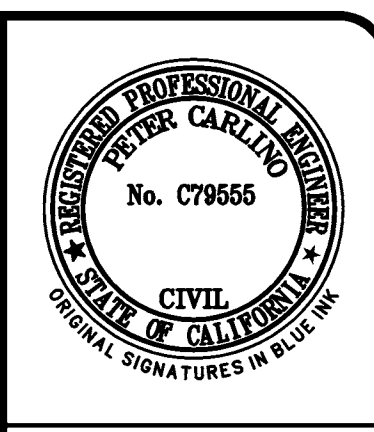
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**GRADING &
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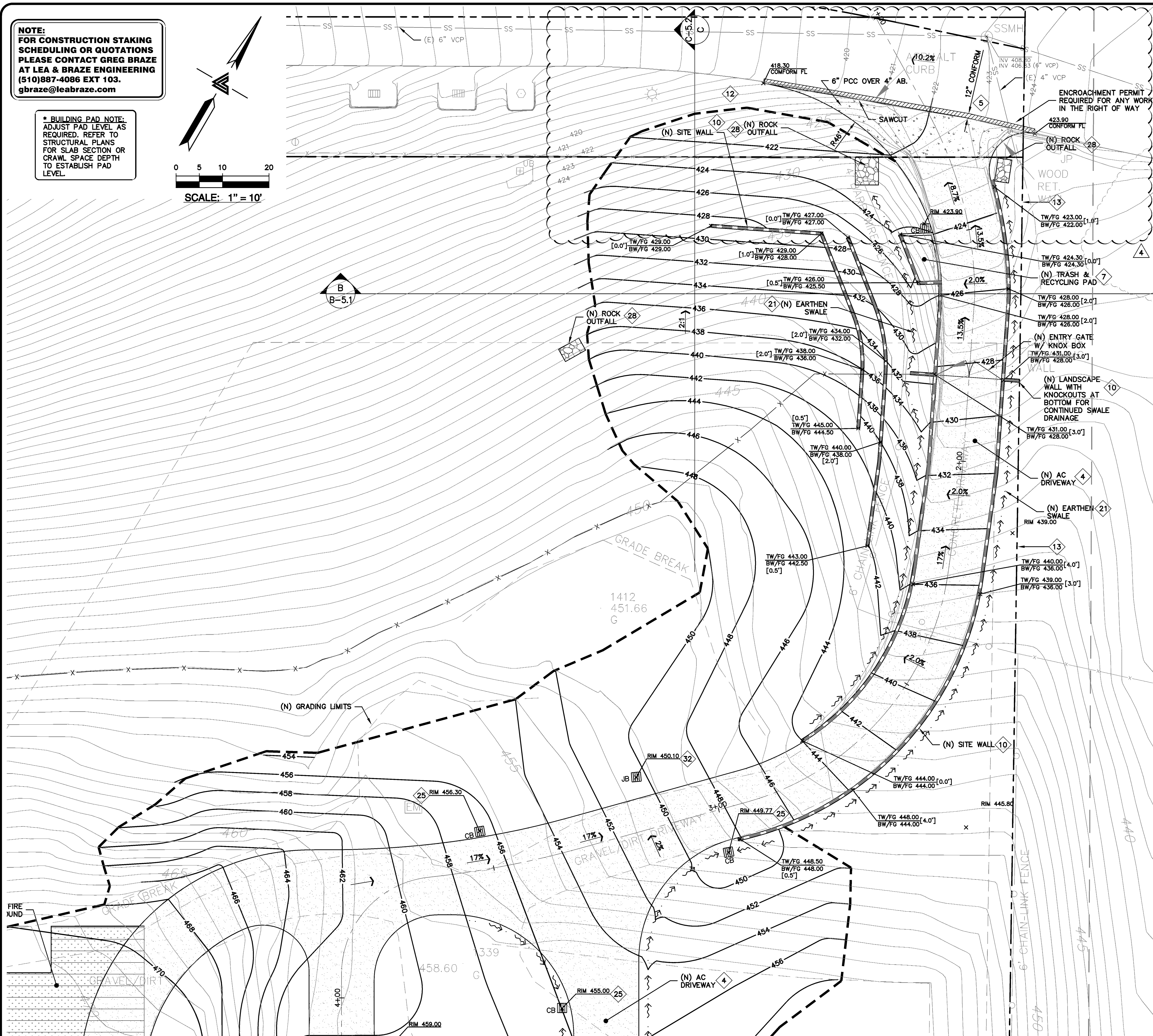
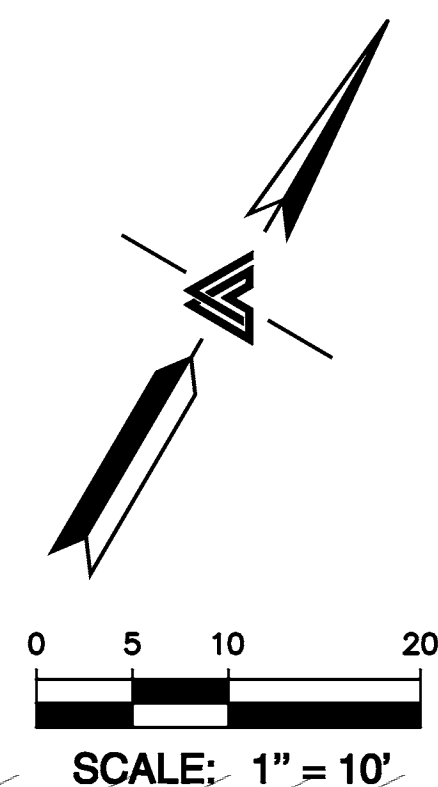
NO.	CITY COMMENTS	BY
4	5-11-15	RB
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JOB NO: 2140175
DATE: 5-19-15
SCALE: 1" = 10'
DESIGN BY: BS, RB
DRAWN BY: TB
SHEET NO:

C-3.2
5 OF 19 SHEETS

100% DESIGN DEVELOPMENT

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SEE SHEET C-3.2

100% DESIGN DEVELOPMENT

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32. INSTALL (N) U-21 JUNCTION BOX WITH STANDARD GRATE AND W/ CONCRETE BOTTOM FLUSH W/ LOWEST OUTGOING INVERT. PLACE BOX ON 6" CLASS 2 AGGREGATE BASE MATERIAL. INSTALL SOLID METAL RIM BOLTED DOWN.
33. DIRECT DOWNSPOUTS TO 24" LONG PRECAST CONCRETE SPLASHBLOCKS OR OTHER HARD SURFACE. DIRECT AWAY FROM ANY STRUCTURE AND TOWARDS POSITIVE DRAINAGE. SEE DETAIL 7 ON SHEET C-6.1.

50 DEMOLISH (E) IMPROVEMENTS AS NECESSARY TO ACCOMMODATE (N) CONSTRUCTION. NO DEMOLITION SHALL COMMENCE WITHOUT REQUIRED DEMOLITION PERMITS. -S.A.D. FOR DEMOLITION PLANS.

REGISTERED PROFESSIONAL ENGINEER
PETER CARLINO
No. C79555
CIVIL
STATE OF CALIFORNIA
ORIGINAL SIGNATURES IN BLUE INK

LEA & BRAZE ENGINEERING, INC.

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SANTA CLARA COUNTY

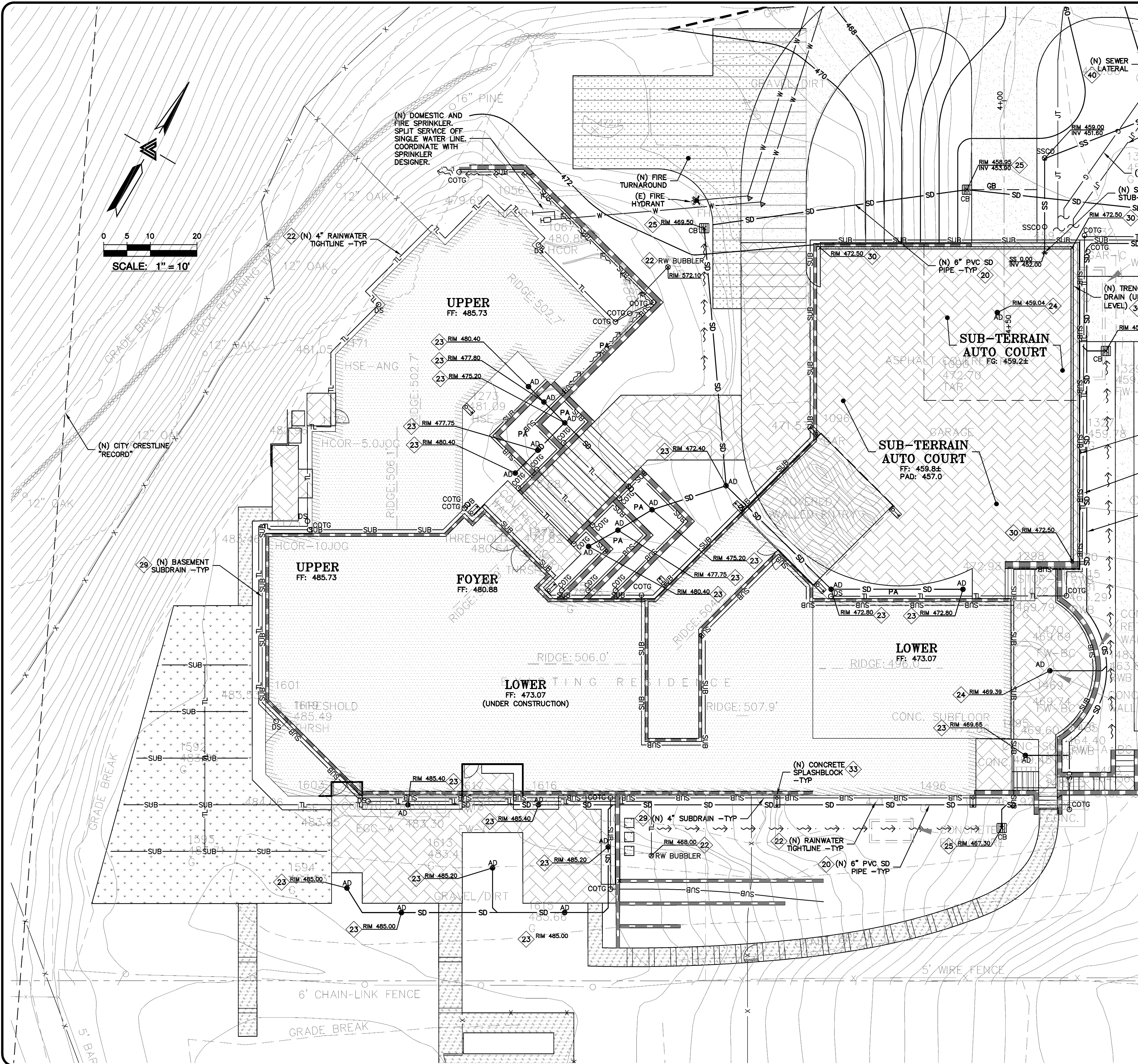
GRADING & DRAINAGE PLAN

-	-
CITY COMMENTS 5-11-15	RB
PLANNING LETTER 2-17-15	RB
PLANNING LETTER 9-10-14	RB
PLAN REV 7-30-14	TB
REVISIONS	BY

JOB NO:	2140175
DATE:	5-19-15
SCALE:	1" = 10'
DESIGN BY:	BS, RB
DRAWN BY:	TB
SHEET NO:	

C-3.3

6 OF 19 SHEETS



SEE SHEET C-4.3

STORM DRAIN KEYNOTES 20 TO 33

- 20 INSTALL (N) ON-SITE STORM DRAIN SYSTEM. USE MINIMUM 6" PVC (SDR 35) OR HDPE (ADS N-12 W/ SMOOTH INTERIOR WALLS). MAINTAIN 24" MINIMUM COVER AND SLOPED AT 0.5% MINIMUM AT ALL TIMES UNLESS OTHERWISE NOTED. PROVIDE CLEAN OUT TO GRADE AT MAJOR CHANGES IN DIRECTION. AVOID USING 90° BENDS AND INSTEAD USE (2) 45° BENDS AND WYE CONNECTIONS.
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- 25 DRAINAGE INLETS AS SHOWN WITHIN TRAFFIC AREAS AND SUBJECT TO VEHICULAR LOADING SHALL BE "CHRISTY U-21" OR EQUAL. INLETS AS SHOWN WITHIN NON-TRAFFIC AREAS SHALL BE "CHRISTY V-24" OR EQUAL UNLESS OTHERWISE NOTED.
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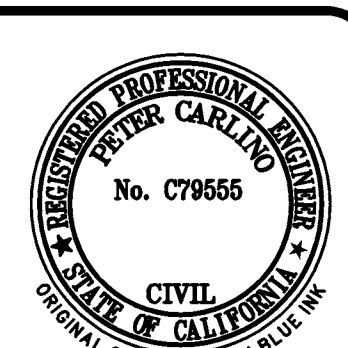
UTILITIES KEYNOTES 40 TO 46

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gbraze@leabraze.com

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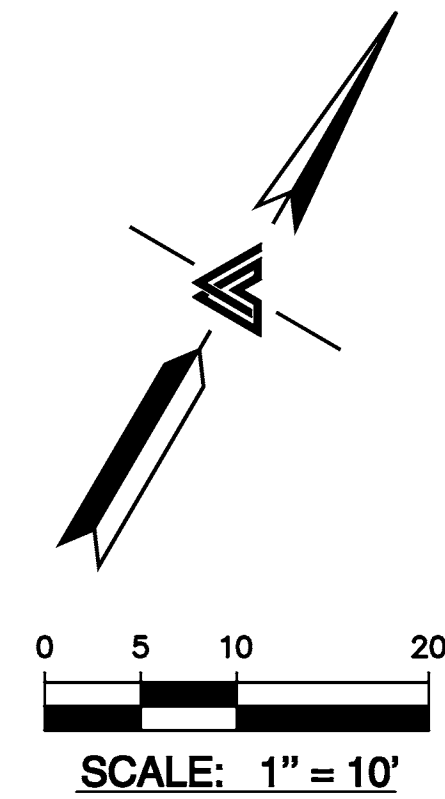
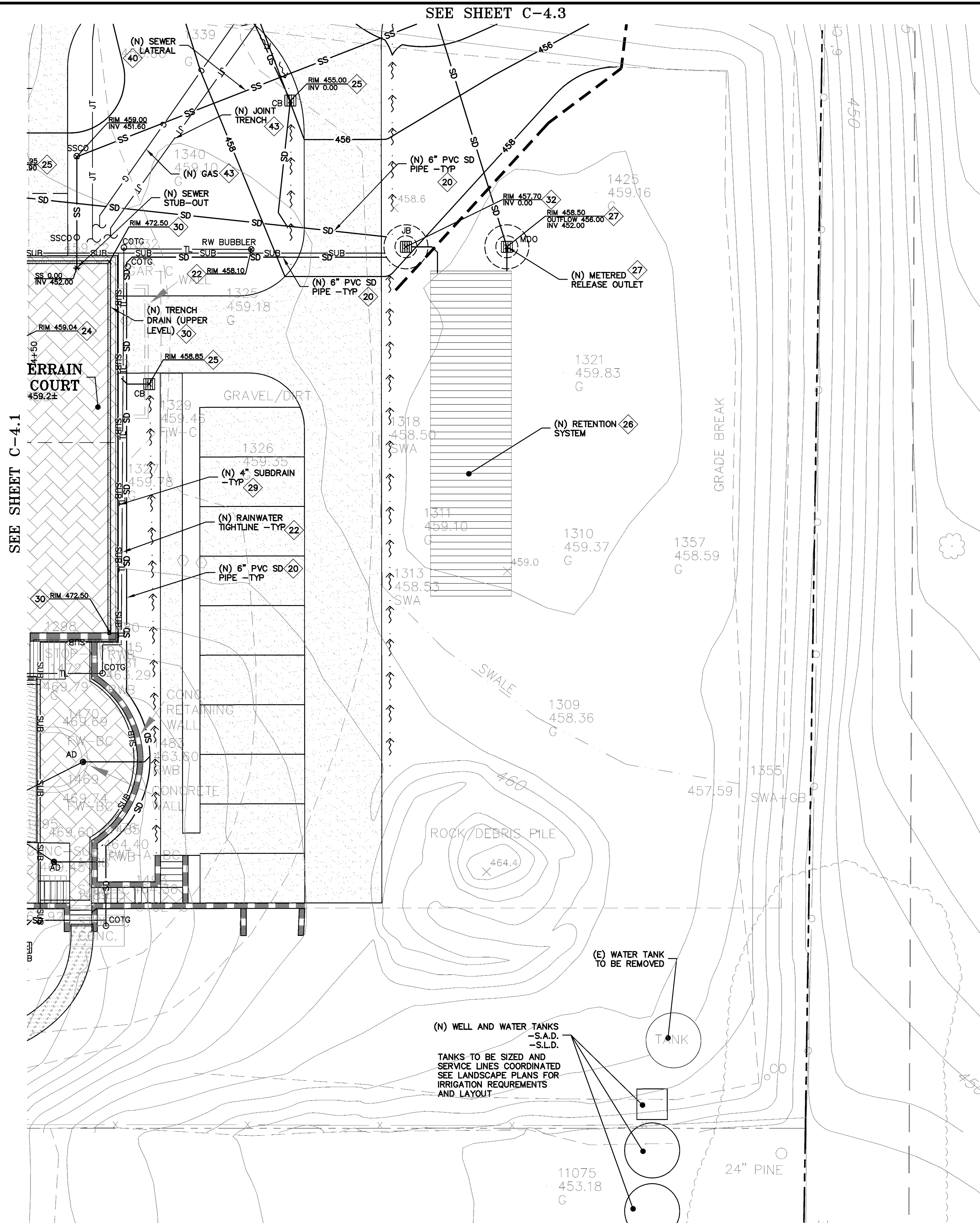
UTILITY PLAN

4	CITY COMMENTS	RB
3	PLANNING LETTER	RB
2	PLANNING LETTER	RB
1	PLAN REV	TB
	REVISIONS	BY

JOB NO: 2140175
DATE: 5-19-15
SCALE: 1" = 10'
DESIGN BY: BS, RB
DRAWN BY: TB
SHEET NO:

C-4.1

7 OF 19 SHEETS



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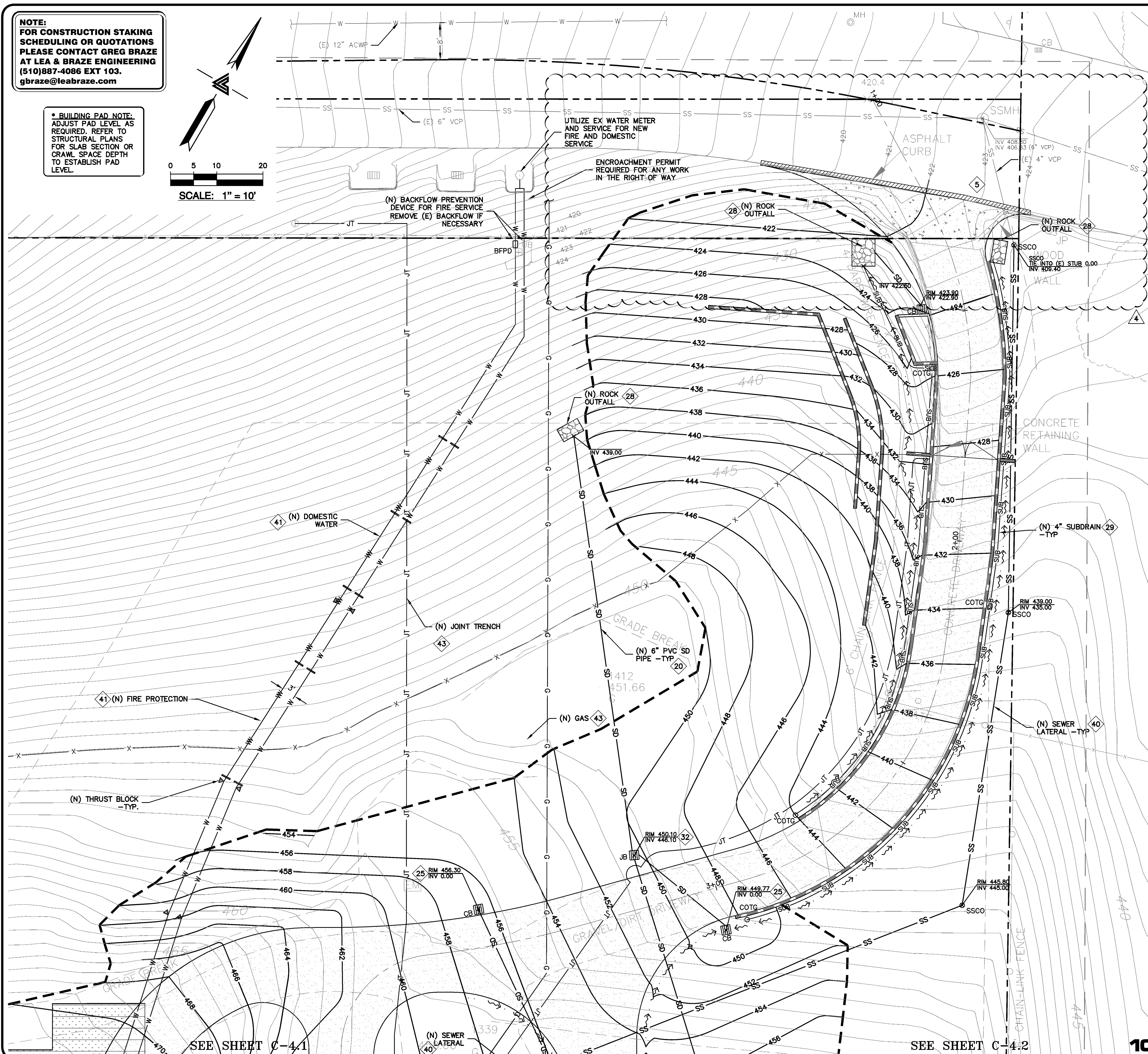
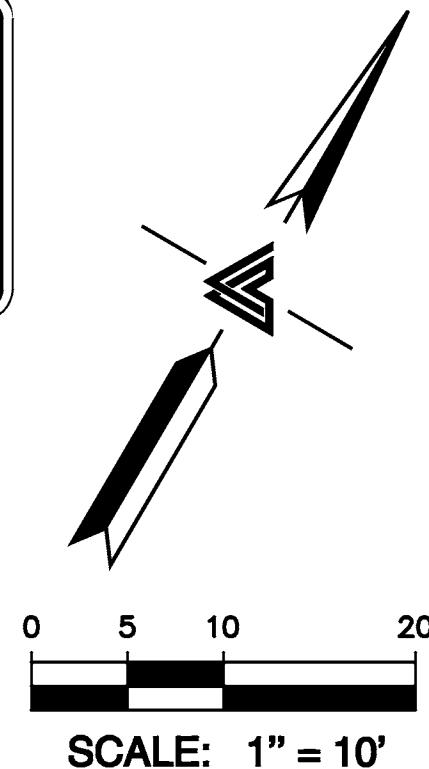
NO.	REVISIONS	BY
4	CITY COMMENTS	RB
3	5-11-15	RB
2	PLANNING LETTER	RB
1	2-12-15	RB
	PLANNING LETTER	RB
	9-10-14	RB
	PLAN REV	TB
	7-30-14	TB

JOB NO: 2140175
DATE: 5-19-15
SCALE: 1" = 10'
DESIGN BY: BS, RB
DRAWN BY: TB
SHEET NO:

C-4.2
8 OF 19 SHEETS

100% DESIGN DEVELOPMENT

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4	CITY COMMENTS 5-11-15	RE
3	PLANNING LETTER 2-17-15	RE
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1	PLAN REV 7-30-14	TE
	REVISIONS	BY

JOB NO: 2140175

DATE: 5-19-15

SCALE: 1" = 10'

DESIGN BY: BS, RB

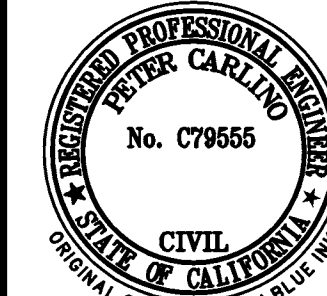
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SHEET NO.

C-4.3

9 OF 19 SHEETS

12/02/14 SITE DEV. PERMIT AMEND REV
RESUBMIT 12-5-14



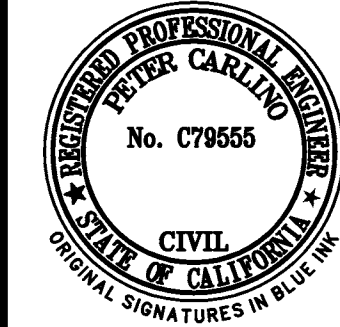
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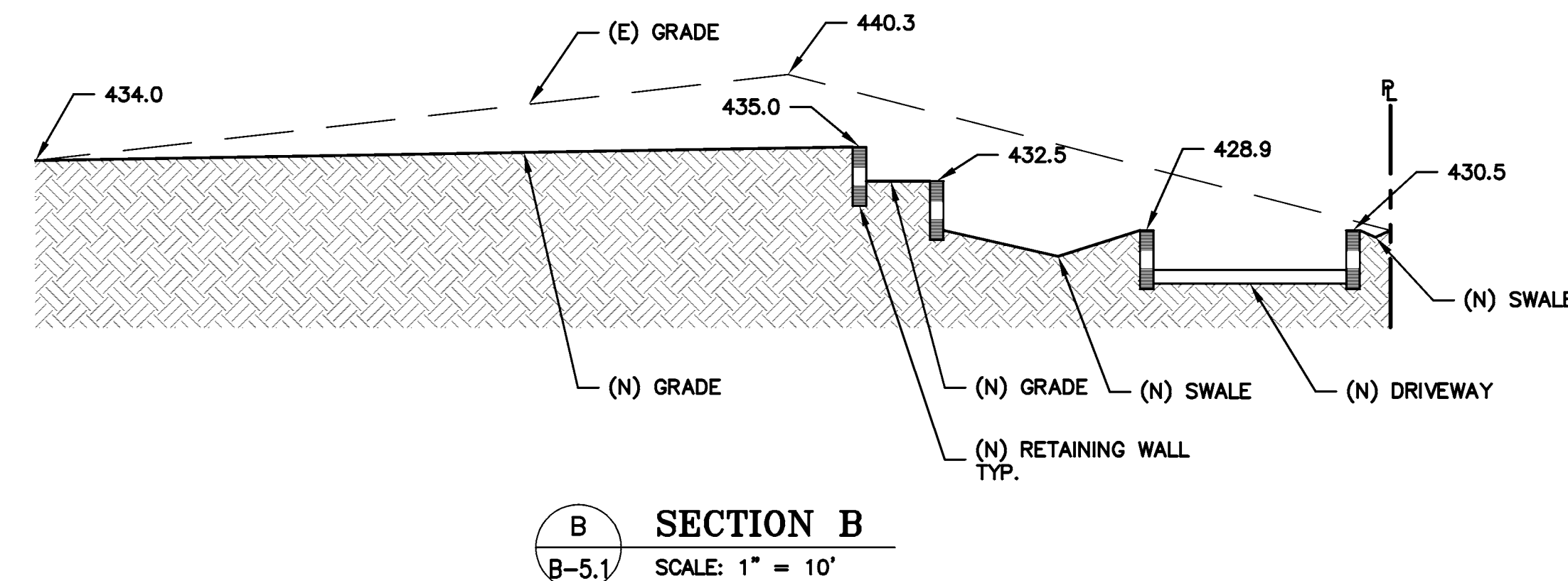
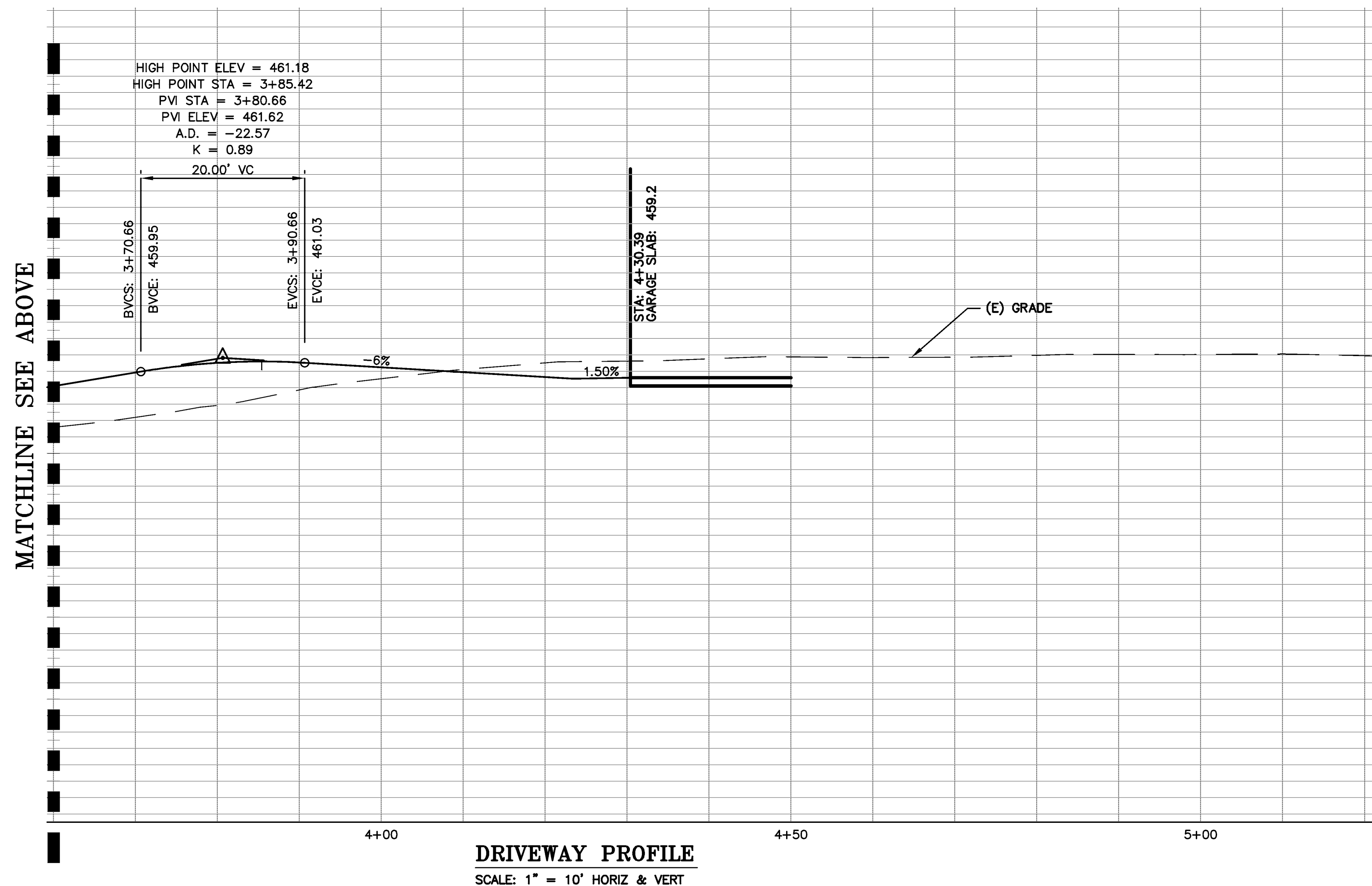
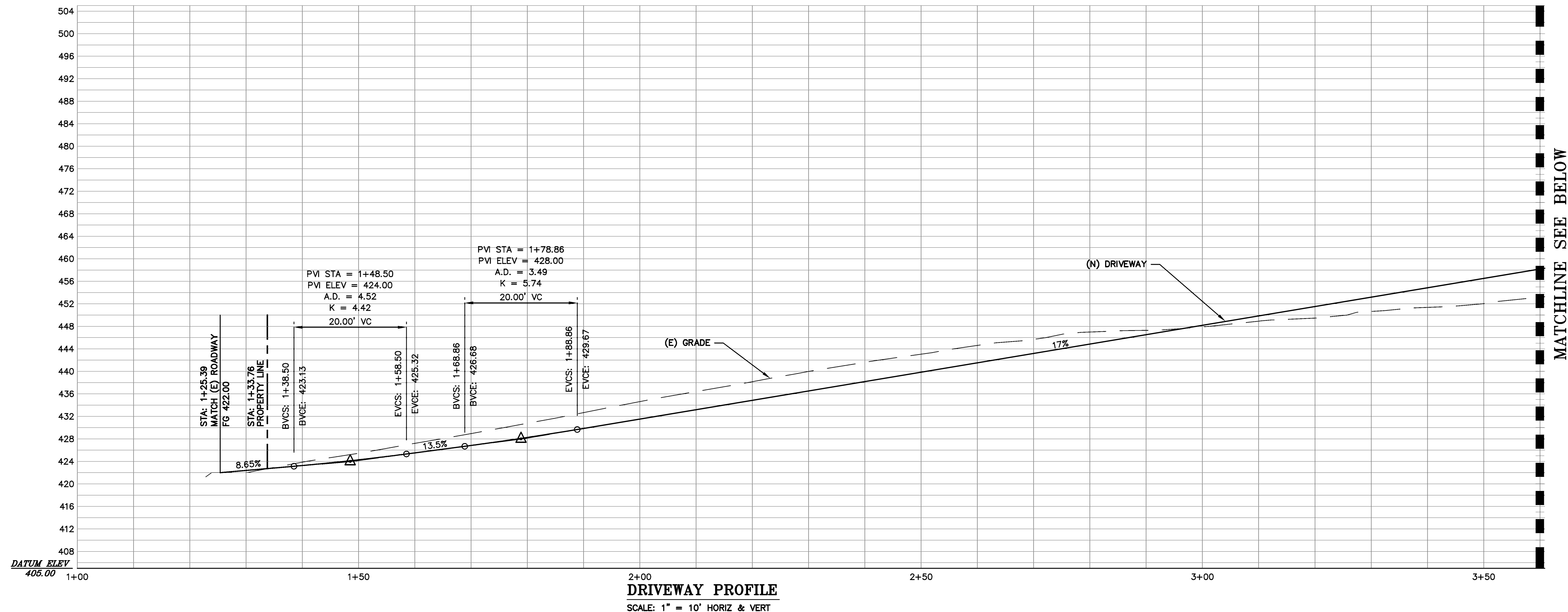
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SANTA CLARA COUNTY
APN: 029-03-014

DRIVEWAY PROFILE

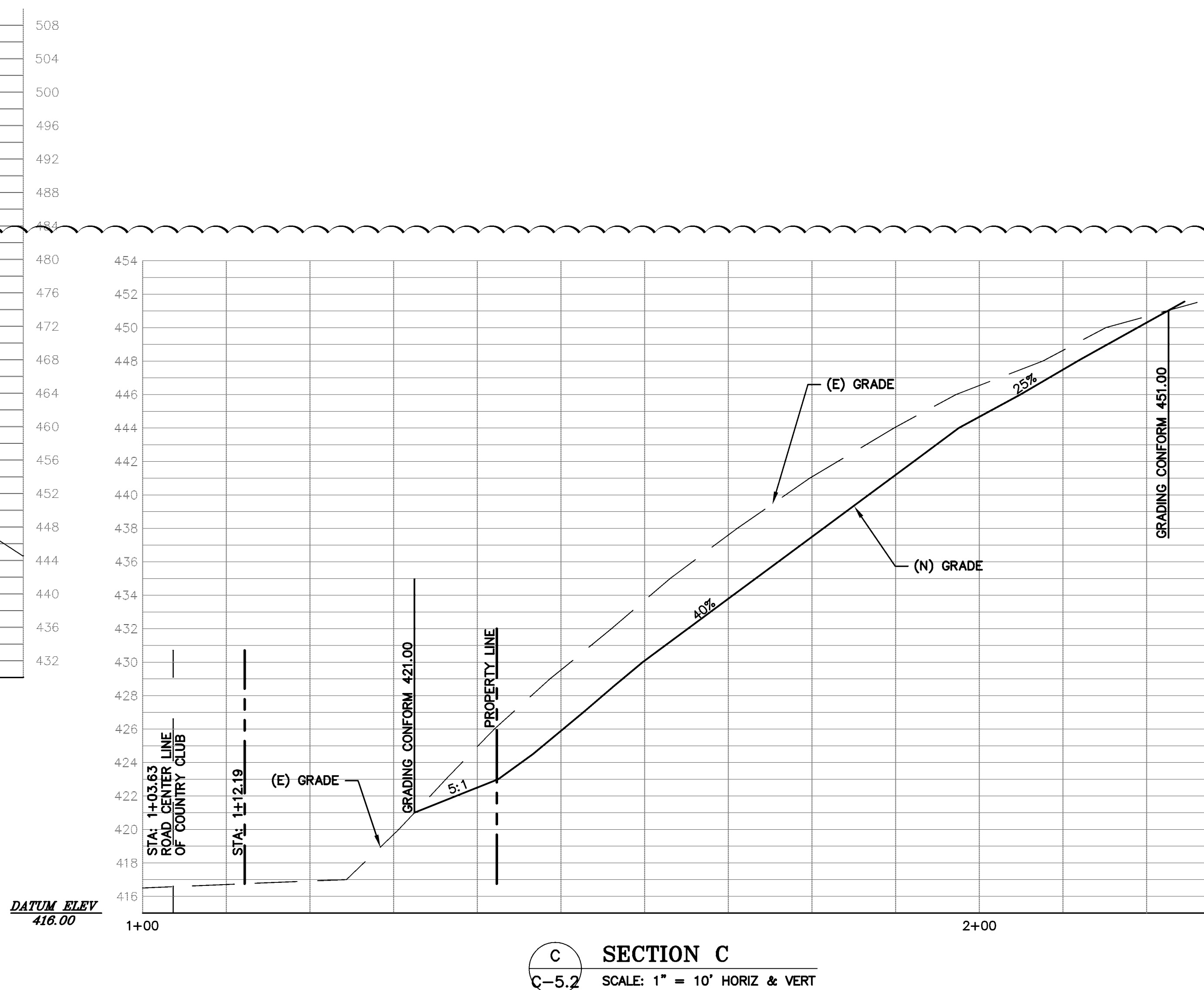
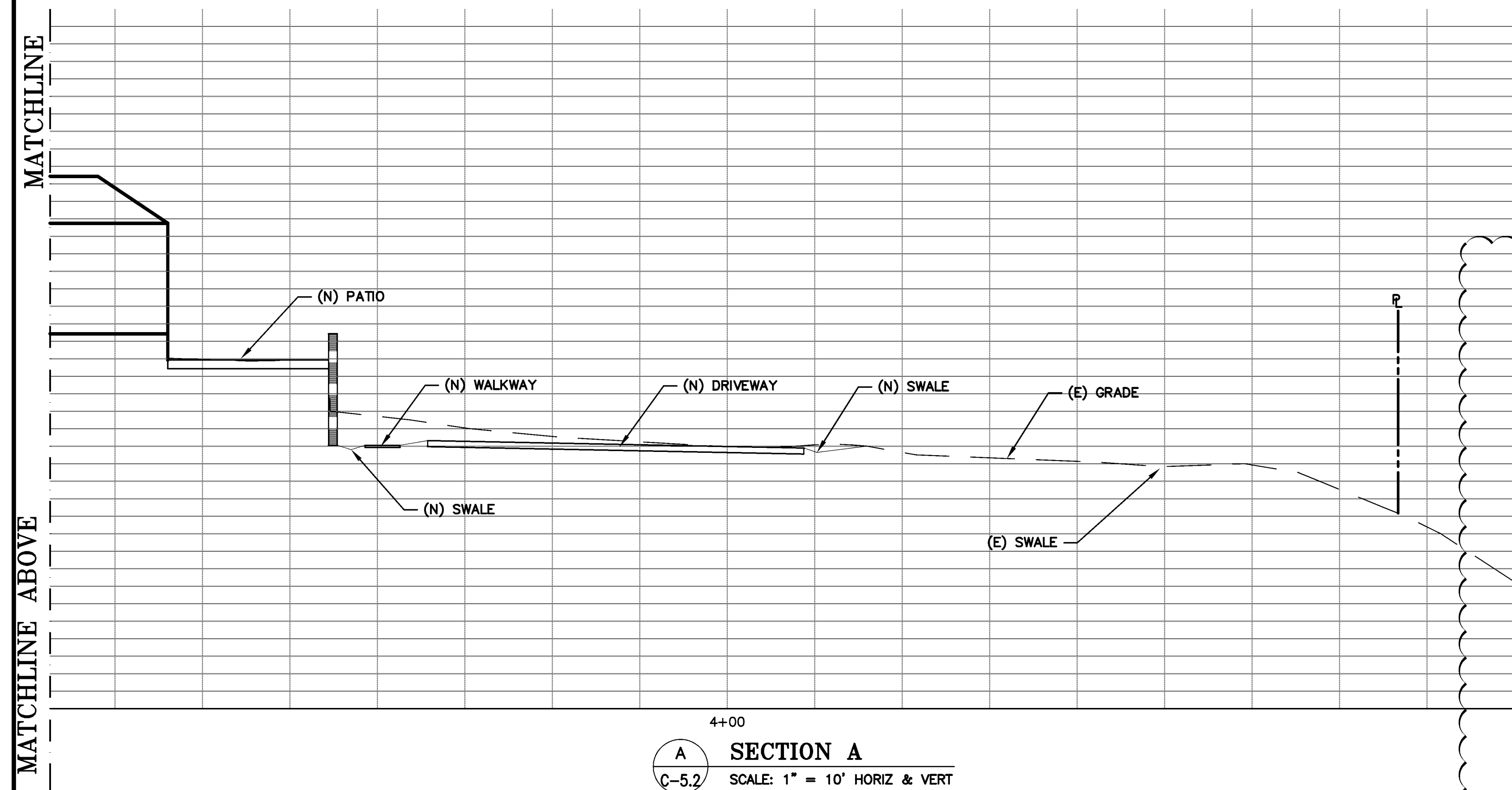
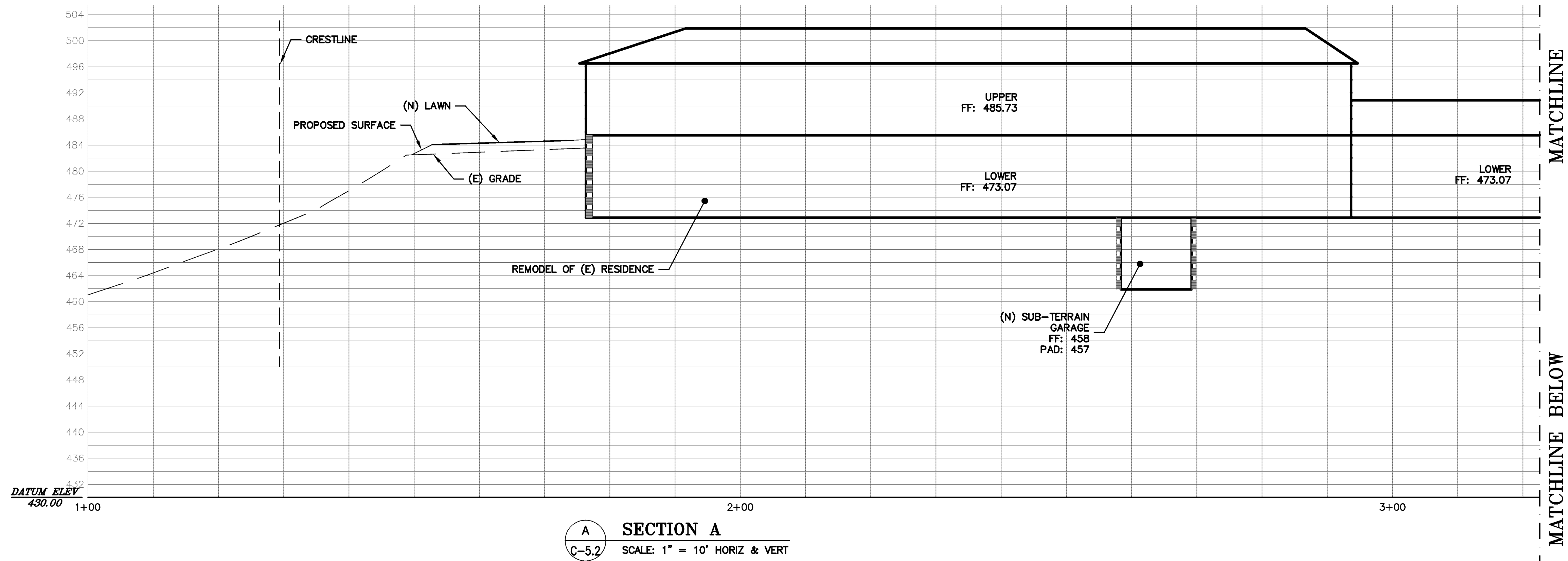
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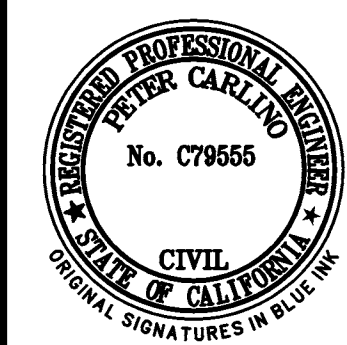
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10 OF 19 SHEETS



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SANTA CLARA COUNTY

SITE SECTIONS

4	3	2	1
CITY COMMENTS	5-11-15	RB	
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DATE: 5-19-15

SCALE: 1" = 10'

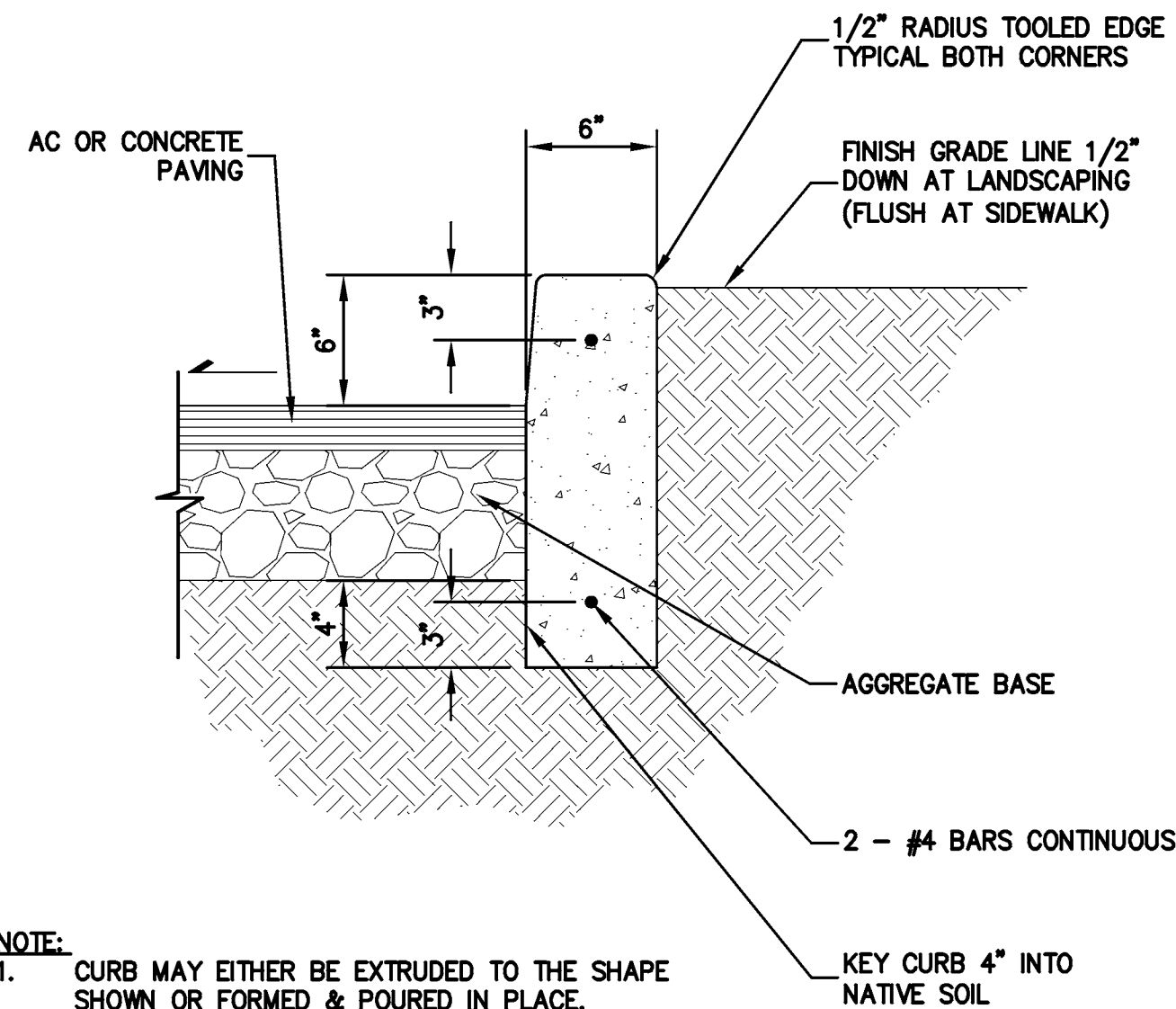
DESIGN BY: BS, RB

DRAWN BY: TB

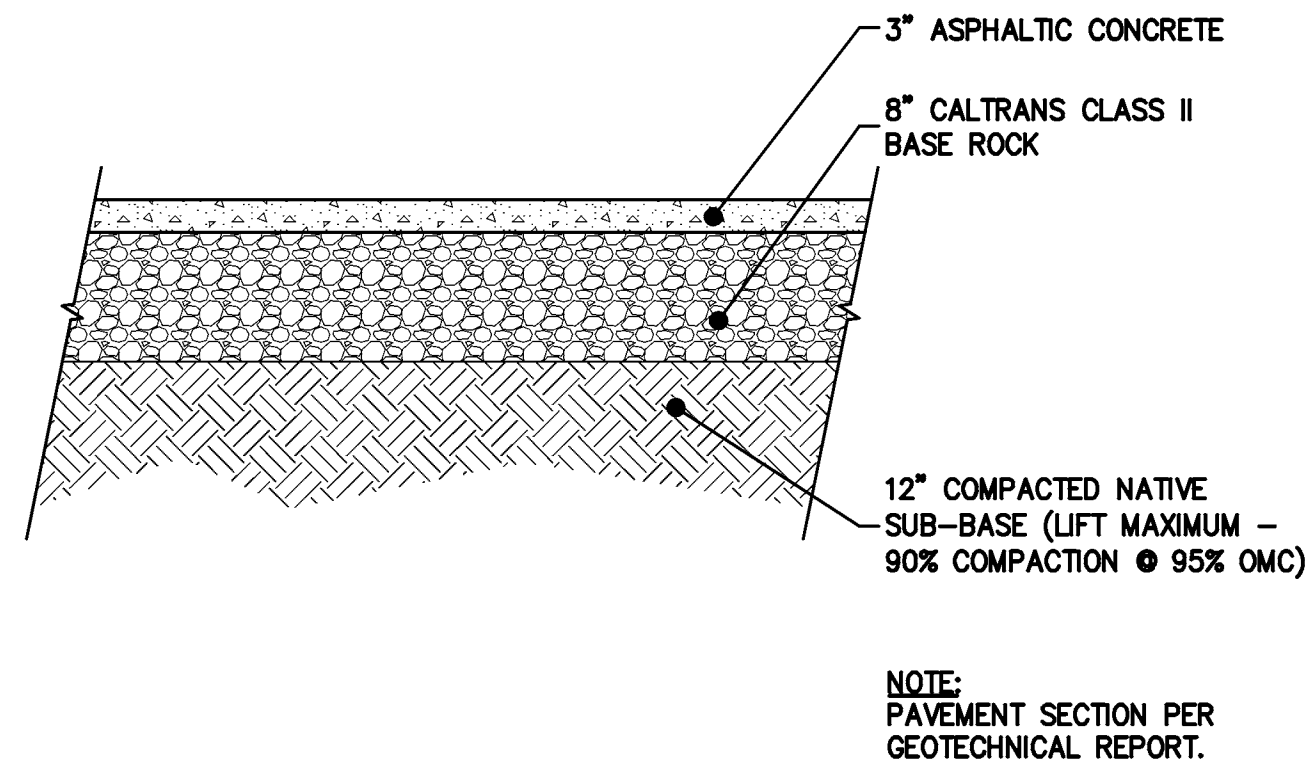
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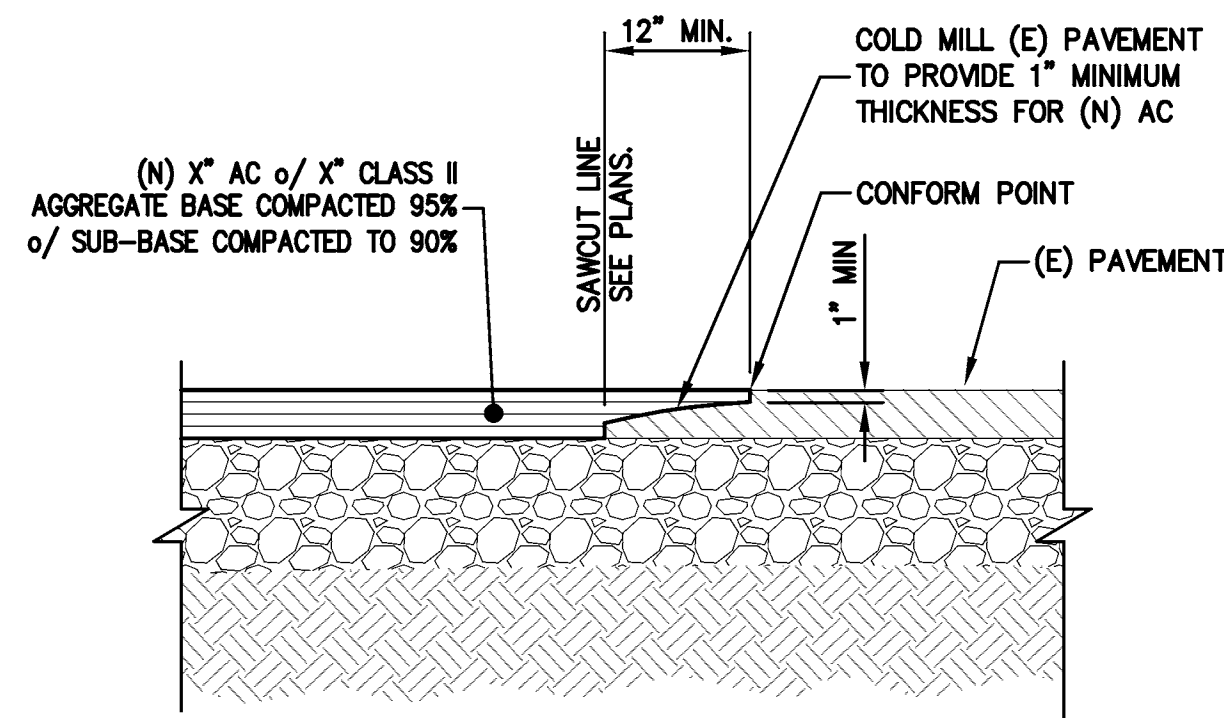
11 OF 19 SHEETS



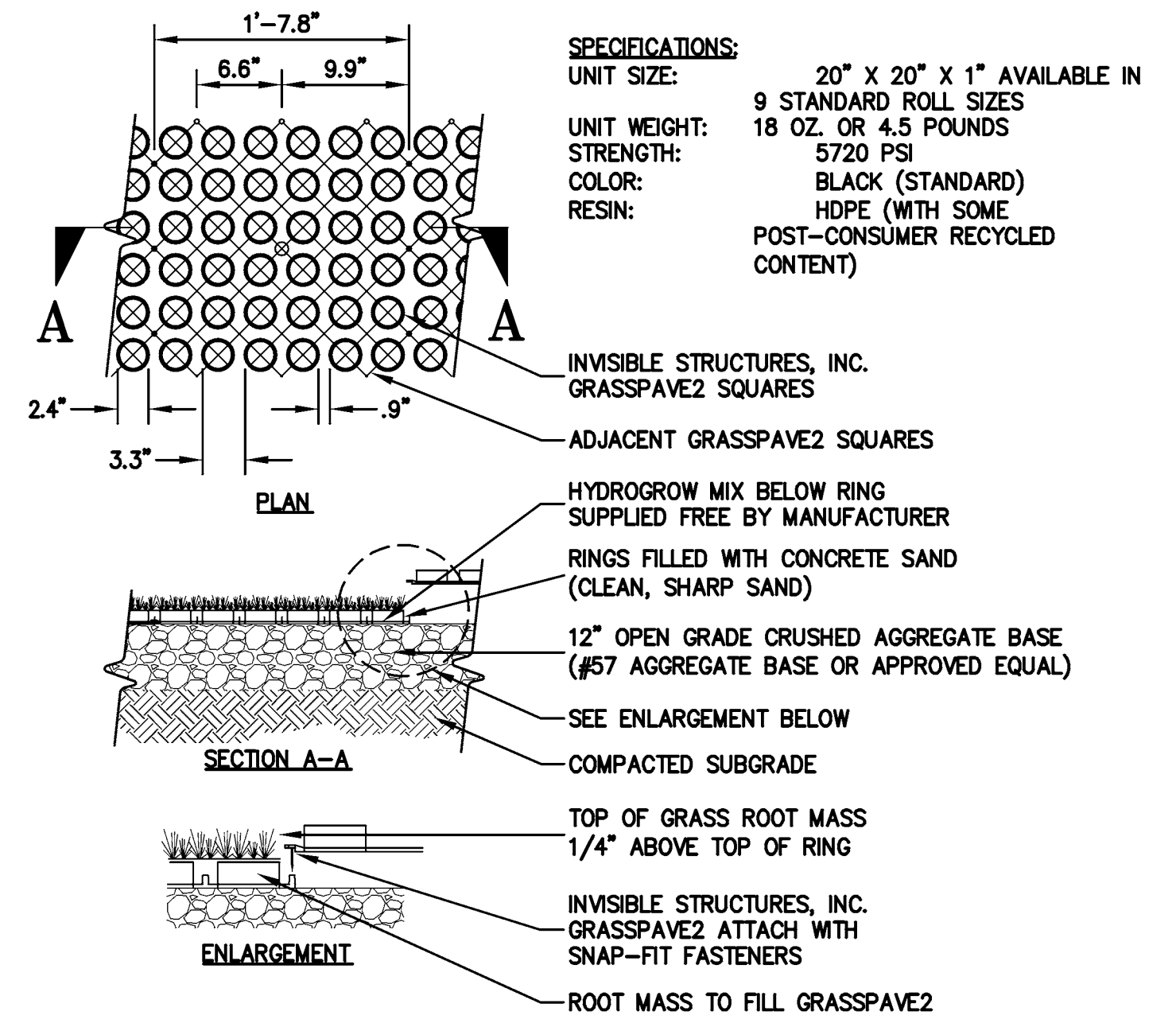
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NTS



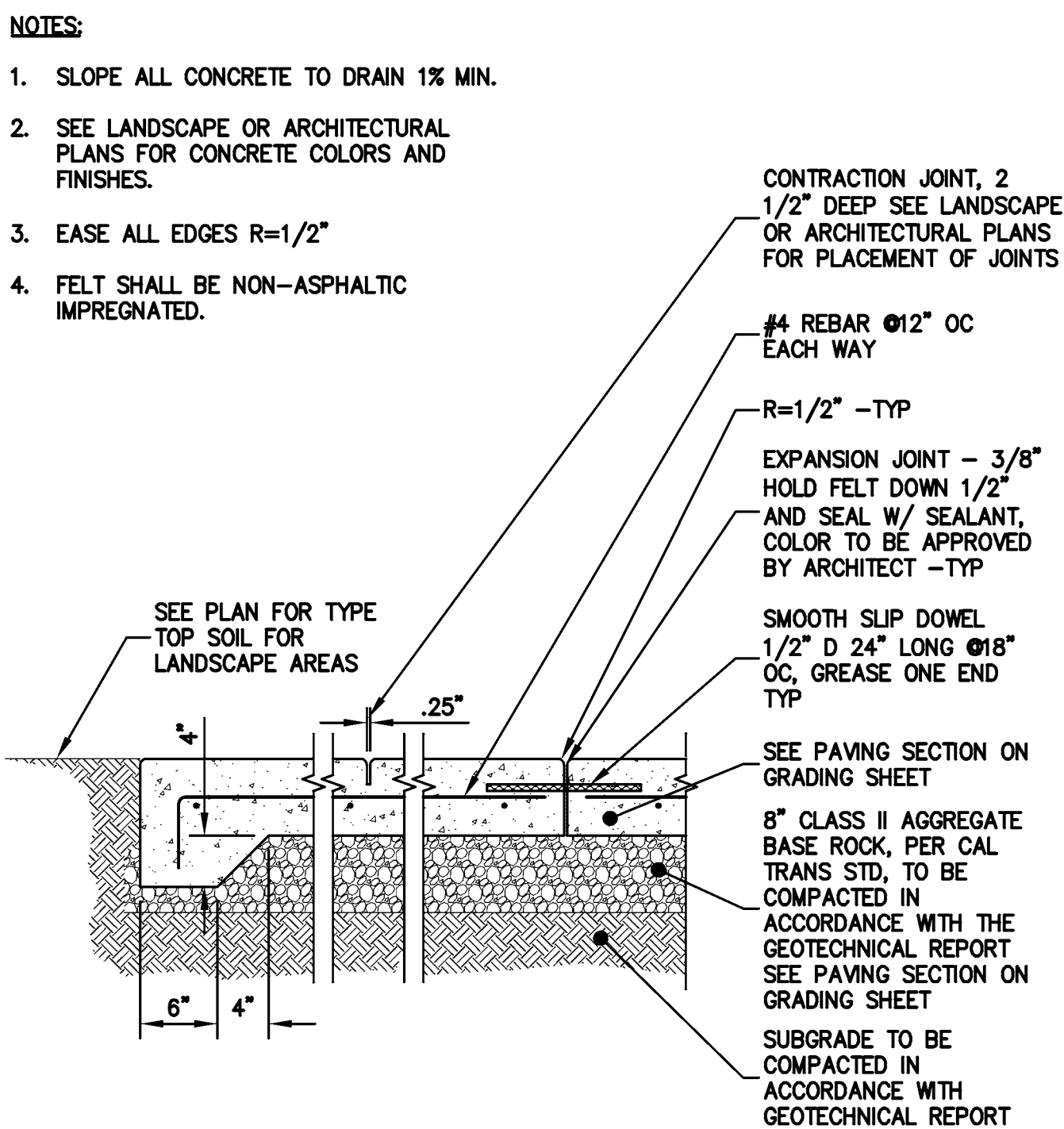
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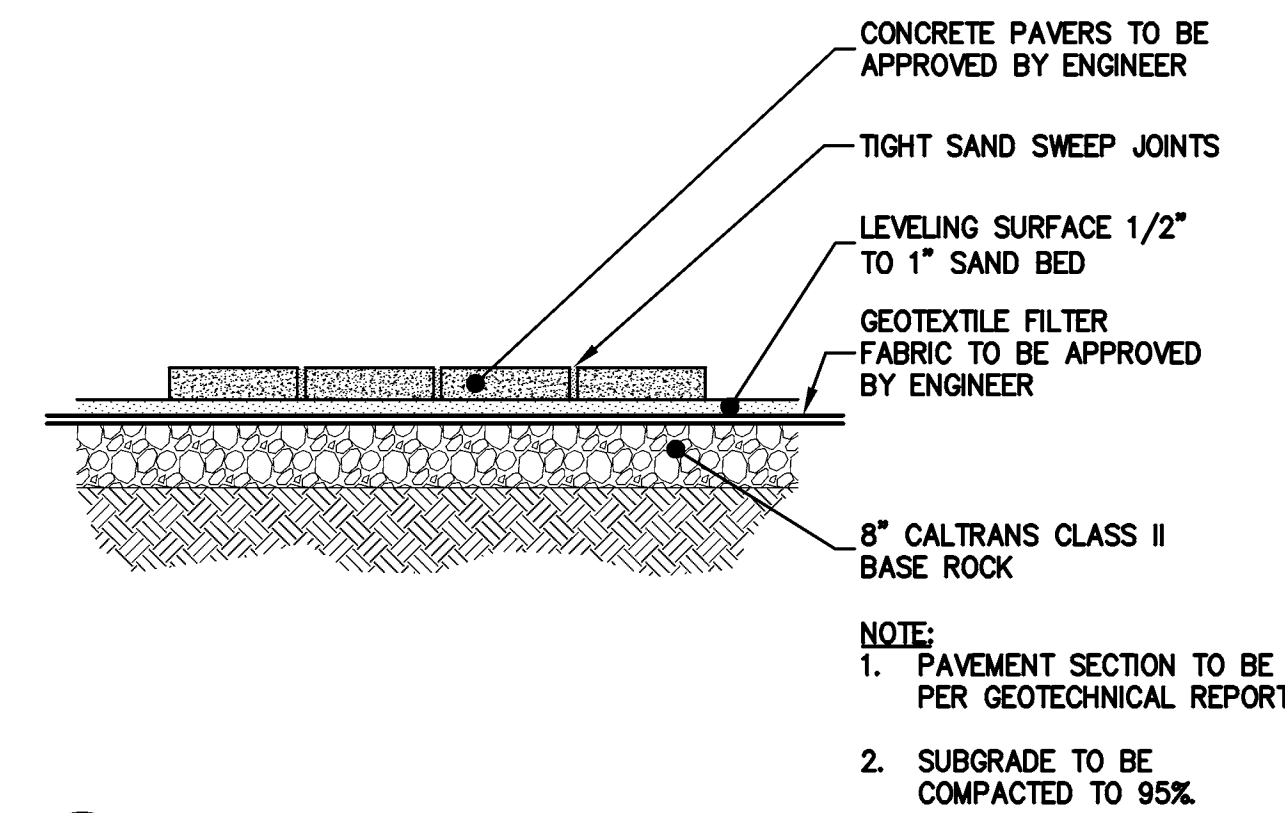
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NTS



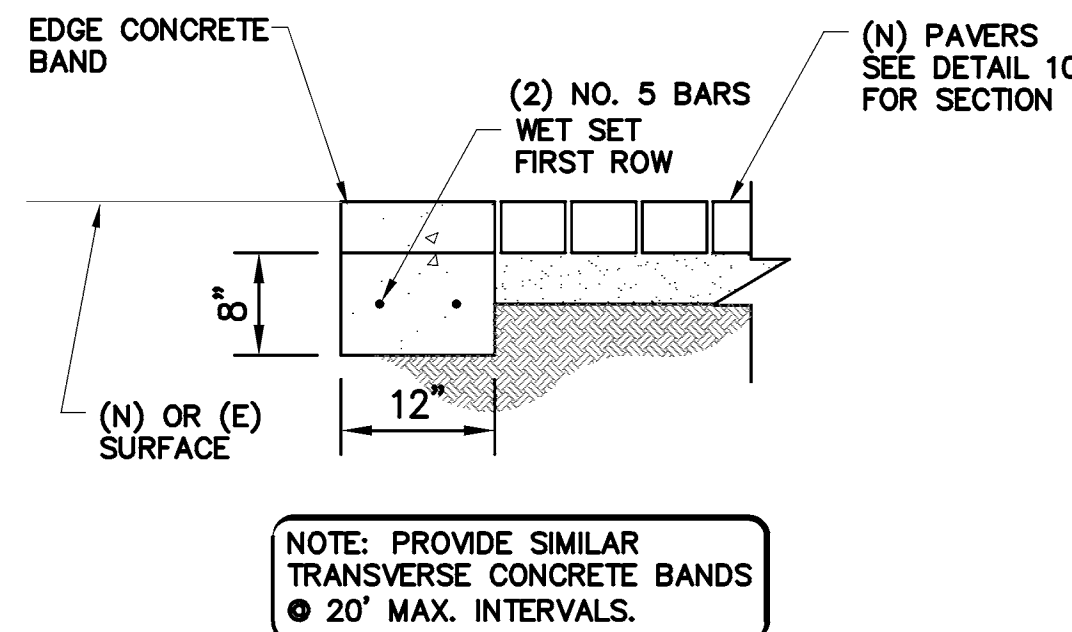
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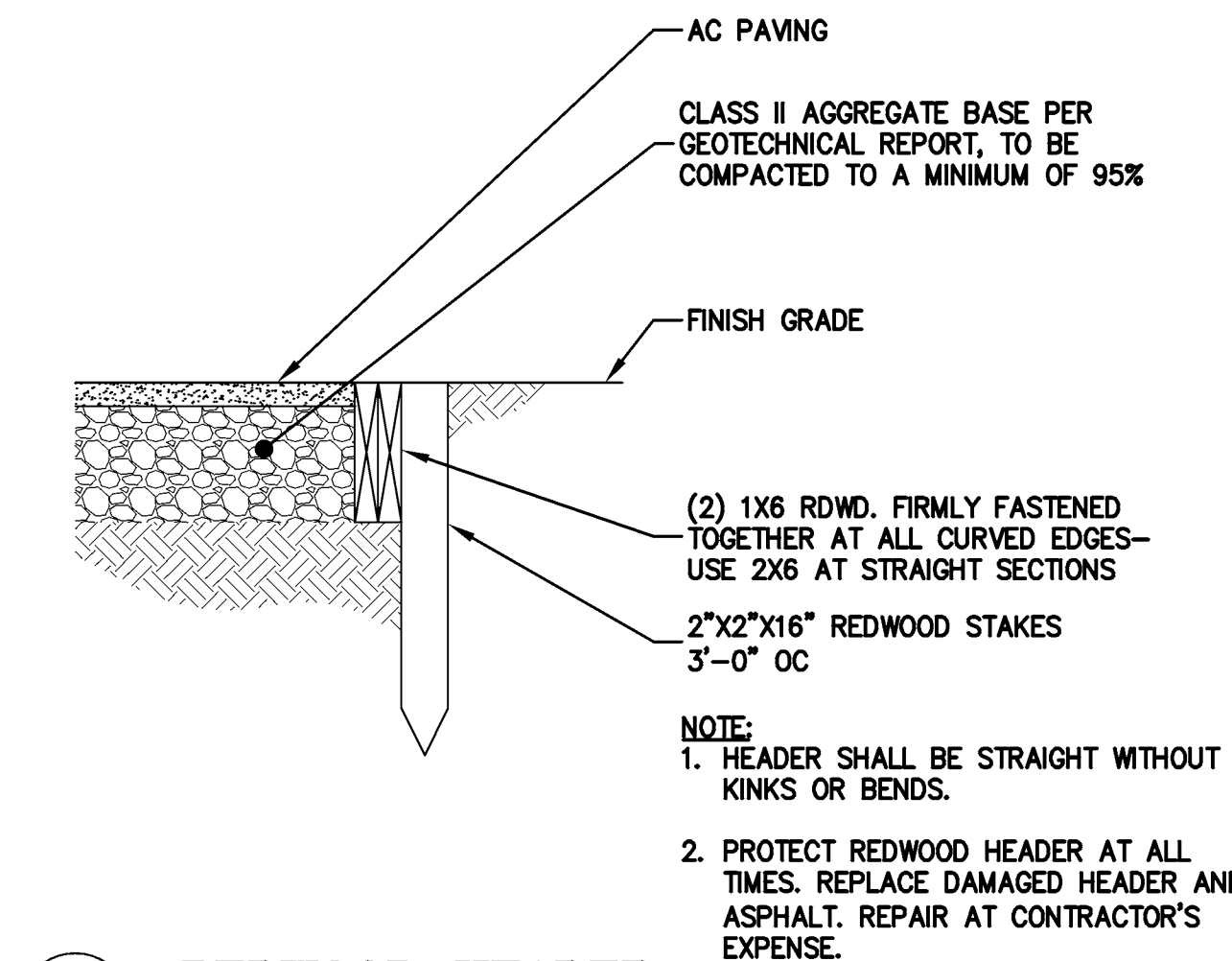
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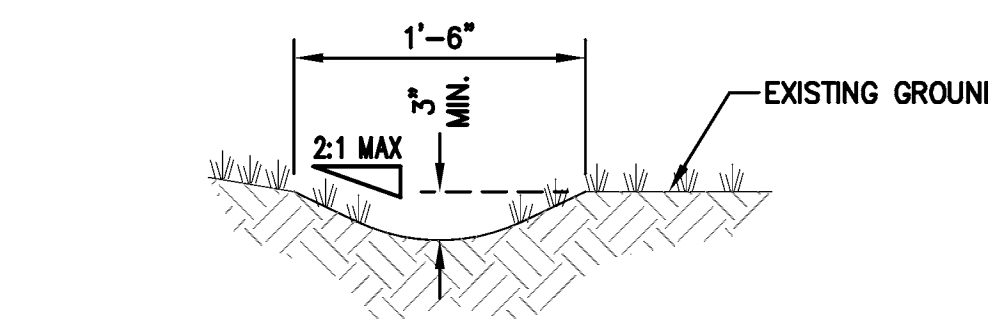
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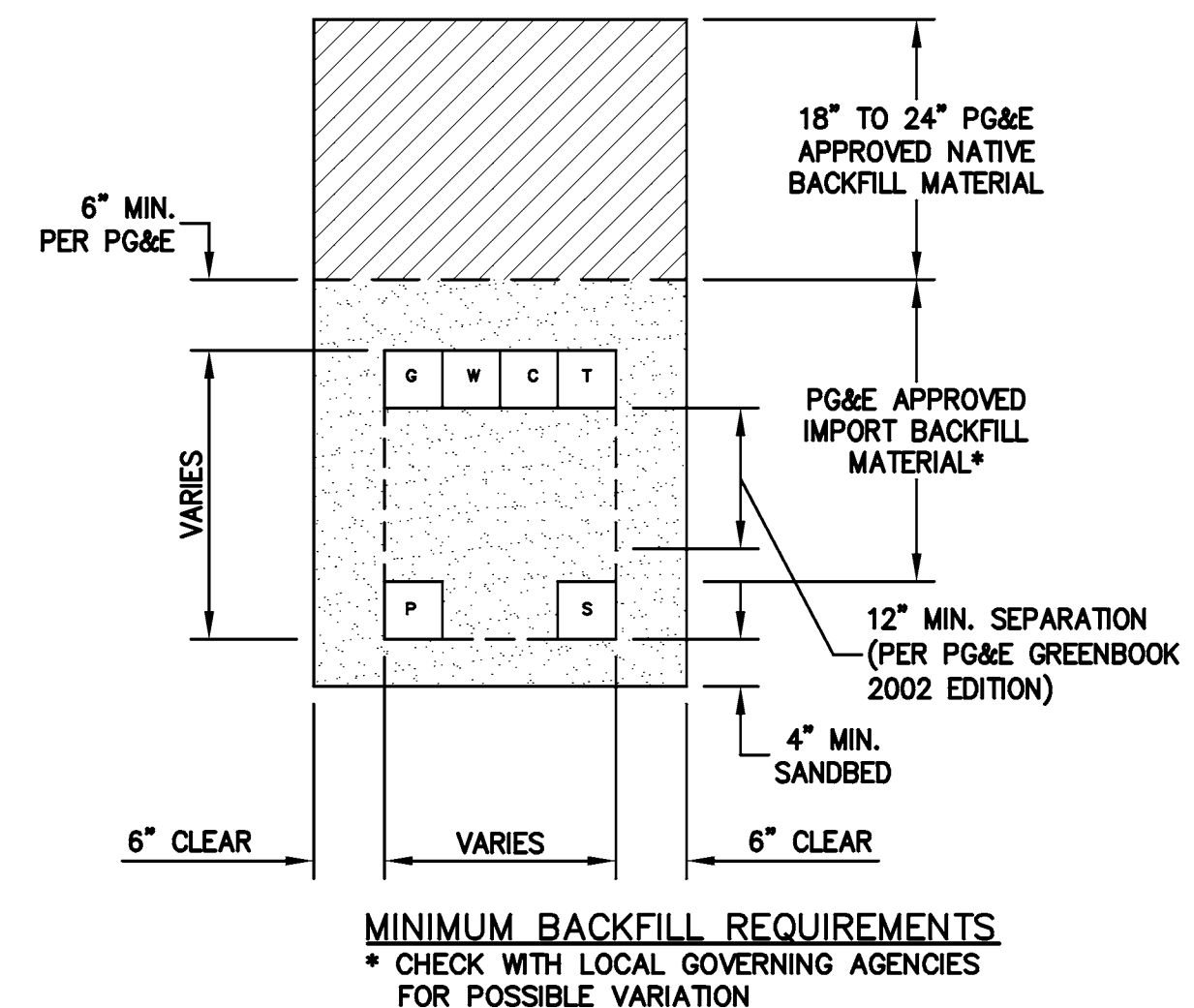
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C-6.0 EDGE BAND-PAVERS
NTS



6
C-6.0 REDWOOD HEADER
NTS



7
C-6.0 EARTHEN SWALE DETAIL
NTS



MINIMUM COVER AND CLEARANCES					
	MIN. SPACE FROM				
	G	T	C	P	MIN. COVER
G (GAS)					24": 30" IN STREET
T (TELEPHONE)					24": 30" IN STREET
C (C.A.T.V.)					18"
S (ELECT. SECONDARY)					24": 30" IN STREET
P (ELECT. PRIMARY)					30": 36" IN STREET
W (WATER SERVICE)					24": 30" IN STREET

8
C-6.0 JOINT TRENCH
NTS

100% DESIGN DEVELOPMENT



LEA & BRAZE ENGINEERING, INC.
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PAN RESIDENCE
1000 COUNTRY CLUB DR.
MILPITAS, CALIFORNIA
SANTA CLARA COUNTY
APN: 029-03-014

DETAILS

4	CITY COMMENTS	RB
3	PLANNING LETTER	RB
2	PLANNING LETTER	RB
1	PLAN REV	TB
	REVISIONS	BY

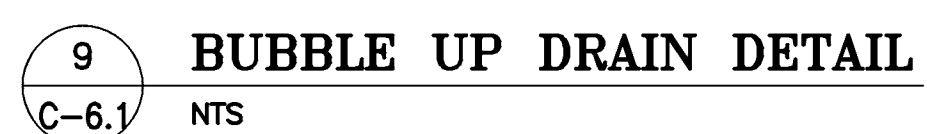
JOB NO: 2140175
DATE: 5-19-15
SCALE: NTS
DESIGN BY: BS, RB
DRAWN BY: TB
SHEET NO:

C-6.0
12 OF 19 SHEETS

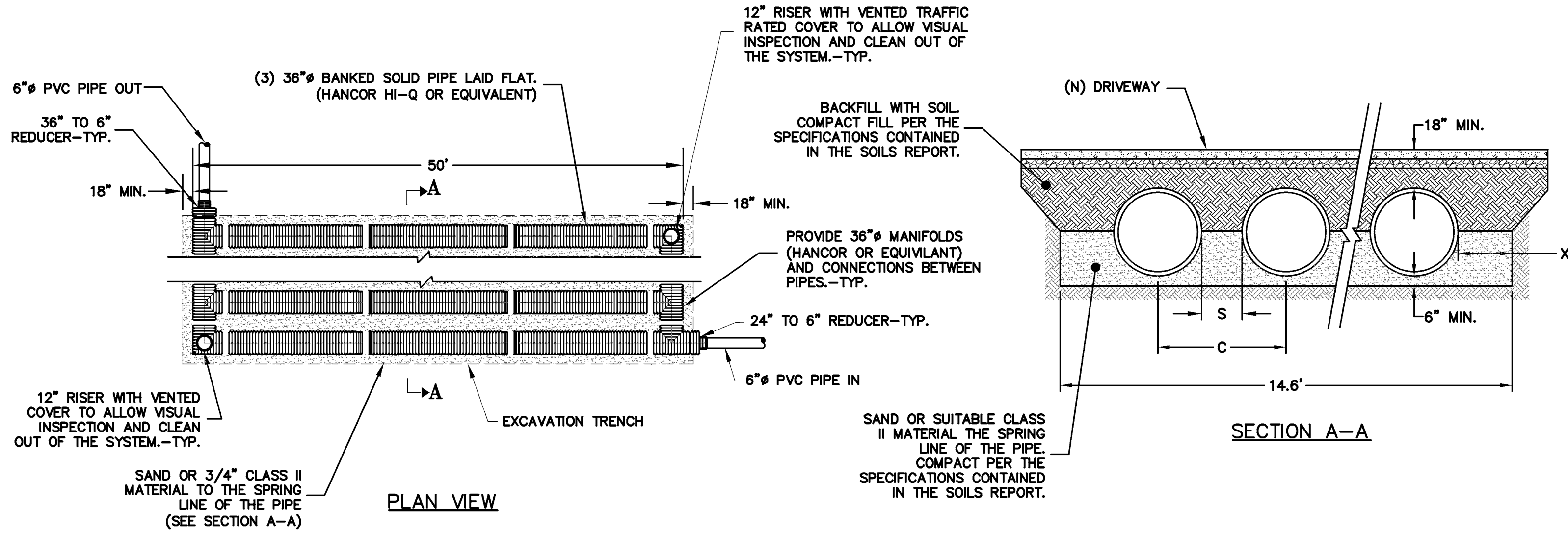


*PROVIDE STEEL TRAFFIC COVER FOR BOX WHEN INSTALLED
IN LOCATION SUBJECT TO VEHICULAR LOADING

	A	B	C	D	E	F	G	H	I	APPROX WT. LBS.
CHRISTY B3	19"	14 13/16"	16 1/4"	13 1/4"	9"	9 7/8"	1"	12"	10 15/16"	59
BROOKS #3	19 1/8"	13 1/2"	16"	13 1/4"	7 5/8"	9 1/2"	1"	11"	N.A.	68



	—
TY COMMENTS 5-11-15	RB
DRAINING LETTER 2-17-15	RB
DRAINING LETTER 9-10-14	RB
PLAN REV 7-30-14	TB
REVISIONS	BY

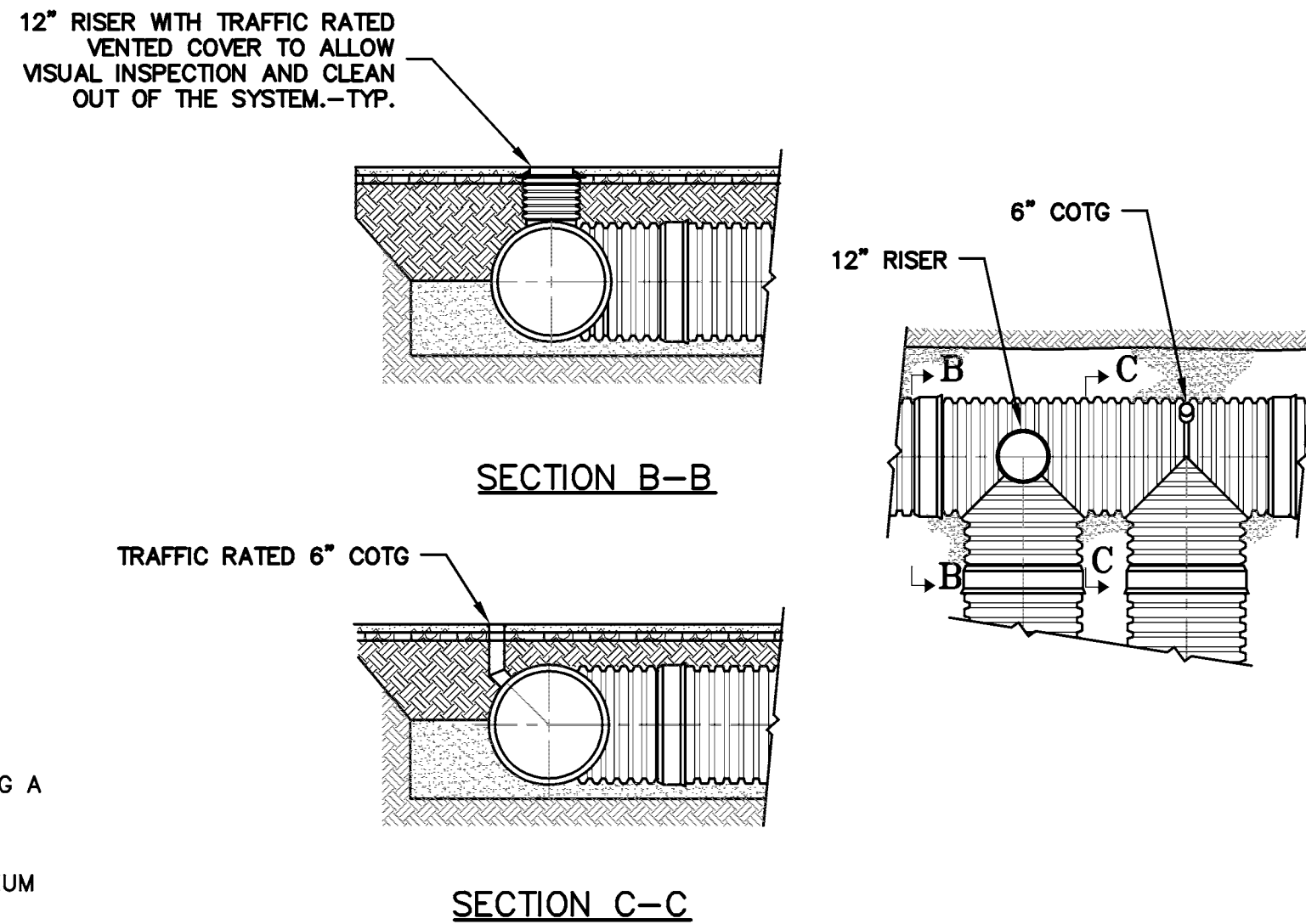


STORAGE PIPE NOMINAL I.D.	NOMINAL O.D.	TYPICAL SPACING "S"	TYPICAL SPACING "C"	MIN. SIDE WALL "X"
36" (900 MM)	42" (1,067 MM)	22" (559 MM)	63" (1,600 MM)	18" (457 MM)

NOTES:

- ALL REFERENCES TO CLASS I OR II MATERIAL ARE PER ASTM D2321 "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS", LATEST EDITION.
- ALL RETENTION AND DETENTION SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, LATEST EDITION AND THE MANUFACTURER'S PUBLISHED INSTALLATION GUIDELINES.
- MEASURES SHOULD BE TAKEN TO PREVENT THE MIGRATION OF NATIVE FINES INTO THE BACKFILL MATERIAL, WHEN REQUIRED. SEE ASTM D2321.
- FILTER FABRIC:** A GEOTEXTILE FABRIC MAY BE USED AS SPECIFIED BY THE ENGINEER TO PREVENT THE MIGRATION OF FINES FROM THE NATIVE SOIL INTO THE SELECT BACKFILL MATERIAL.
- FOUNDATION:** WHERE THE TRENCH BOTTOM IS UNSTABLE, THE CONTRACTOR SHALL EXCAVATE TO A DEPTH REQUIRED BY THE ENGINEER AND REPLACE WITH SUITABLE MATERIAL AS SPECIFIED BY THE ENGINEER, AS AN ALTERNATIVE AND AT THE DISCRETION OF THE DESIGN ENGINEER, THE TRENCH BOTTOM MAY BE STABILIZED USING A GEOTEXTILE MATERIAL.
- BEDDING:** SUITABLE MATERIAL SHALL BE CLASS II*. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. UNLESS OTHERWISE NOTED BY THE ENGINEER, MINIMUM BEDDING THICKNESS SHALL BE 4" (100mm) FOR 4"-24" (100mm-600mm); 6" (150mm) FOR 30"-60" (750mm-900mm).
- INITIAL BACKFILL:** SUITABLE MATERIAL SHALL BE CLASS II* IN THE PIPE ZONE EXTENDING NOT LESS THAN 6" ABOVE CROWN OF PIPE. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. MATERIAL SHALL BE INSTALLED AS REQUIRED IN ASTM D2321, LATEST EDITION.
- MINIMUM COVER:** MINIMUM COVER OVER ALL RETNETION/DETENTION SYSTEMS IN NON-TRAFFIC APPLICATIONS (GRASS OR LANDSCAPE AREAS) IS 18" FROM TOP OF PIPE TO GROUND SURFACE. ADDITIONAL COVER MAY BE REQUIRED TO PREVENT FLOATATION. FOR TRAFFIC APPLICATIONS, MINIMUM COVER IS 18" UP TO 36" DIAMETER PIPE AND 24" OF COVER FOR 42" - 60" DIAMETER PIPE, MEASURED FROM TOP OF PIPE TO BOTTOM OF FLEXIBLE PAVEMENT OR TO TOP OF RIGID PAVEMENT.

* CLASS I BACKFILL REQUIRED AROUND 60" DIAMETER FITTINGS.



1 SCHEMATIC DETENTION SYSTEM DETAILS
C-6.2 N.T.S.



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14 OF 19 SHEETS

100% DESIGN DEVELOPMENT

GENERAL NOTES

ALL GENERAL NOTES, SHEET NOTES, AND LEGEND NOTES FOUND IN THESE DOCUMENTS SHALL APPLY TYPICALLY THROUGHOUT. IF INCONSISTENCIES ARE FOUND IN THE VARIOUS NOTATIONS, NOTIFY THE ENGINEER IMMEDIATELY IN WRITING REQUESTING CLARIFICATION.

THESE DRAWINGS AND THEIR CONTENT ARE AND SHALL REMAIN THE PROPERTY OF LEA AND BRAZE ENGINEERING, INC. WHETHER THE PROJECT FOR WHICH THEY ARE PREPARED IS EXECUTED OR NOT. THEY ARE NOT TO BE USED BY ANY PERSONS ON OTHER PROJECTS OR EXTENSIONS OF THE PROJECT EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ENGINEER.

ALL WORK SHALL COMPLY WITH APPLICABLE CODES AND TRADE STANDARDS WHICH GOVERN EACH PHASE OF WORK INCLUDING, BUT NOT LIMITED TO, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA FIRE CODE, CALTRANS STANDARDS AND SPECIFICATIONS, AND ALL APPLICABLE STATE AND/OR LOCAL CODES AND/OR LEGISLATION.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND ALL SUBCONTRACTORS TO CHECK AND VERIFY ALL CONDITIONS, DIMENSIONS, LINES AND LEVELS INDICATED. PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY NOTIFY THE ENGINEER FOR CORRECTION OR ADJUSTMENT. THE EVENT OF FAILURE TO DO SO, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTION OF ANY ERROR.

ALL DIMENSIONS AND CONDITIONS SHALL BE CHECKED AND VERIFIED ON THE JOB BY EACH SUBCONTRACTOR BEFORE HE/SHE BEGINS HIS/HER WORK. ANY ERRORS, OMISSION, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER/CONTRACTOR BEFORE CONSTRUCTION BEGINS.

COMMENCEMENT OF WORK BY THE CONTRACTOR AND/OR ANY SUBCONTRACTOR SHALL INDICATE KNOWLEDGE AND ACCEPTANCE OF ALL CONDITIONS DESCRIBED IN THESE CONSTRUCTION DOCUMENTS, OR EXISTING ON SITE, WHICH COULD AFFECT THEIR WORK.

WORK SEQUENCE

IN THE EVENT ANY SPECIAL SEQUENCING OF THE WORK IS REQUIRED BY THE OWNER OR THE CONTRACTOR, THE CONTRACTOR SHALL ARRANGE A CONFERENCE BEFORE ANY SUCH WORK IS BEGUN.

SITE EXAMINATION: THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL THOROUGHLY EXAMINE THE SITE AND FAMILIARIZE HIM/HERSELF WITH THE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING HIS/HER WORK AND SHALL BE RESPONSIBLE FOR THE CORRECTIONS OF THE SAME. NO EXTRA COMPENSATION WILL BE ALLOWED TO THE CONTRACTOR FOR EXPENSES DUE TO HIS/HER NEGLIGENCE TO EXAMINE, OR FAILURE TO DISCOVER, CONDITIONS WHICH AFFECT HIS/HER WORK.

LEA AND BRAZE ENGINEERING, INC. EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION AND CONSENT OF LEA AND BRAZE ENGINEERING, INC. IN THE EVENT OF UNAUTHORIZED REUSE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL HOLD HARMLESS LEA AND BRAZE ENGINEERING, INC.

CONSTRUCTION IS ALWAYS LESS THAN PERFECT SINCE PROJECTS REQUIRE THE COORDINATION AND INSTALLATION OF MANY INDIVIDUAL COMPONENTS BY VARIOUS CONSTRUCTION INDUSTRY TRADES. THESE DOCUMENTS CANNOT PORTRAY ALL COMPONENTS OR ASSEMBLIES EXACTLY. IT IS THE INTENTION OF THESE ENGINEERING DOCUMENTS THAT THEY REPRESENT A REASONABLE STANDARD OF CARE IN THEIR CONTENT. IT IS ALSO PRESUMED BY THESE DOCUMENTS THAT CONSTRUCTION REVIEW SERVICES WILL BE PROVIDED BY THE ENGINEER. SHOULD THE OWNER NOT RETAIN THE ENGINEER TO PROVIDE SUCH SERVICES, OR SHOULD HE/SHE RETAIN THE ENGINEER TO PROVIDE ONLY PARTIAL OR LIMITED SERVICES, THEN IT SHALL BE THE OWNER'S AND CONTRACTOR'S RESPONSIBILITY TO FULLY RECOGNIZE AND PROVIDE THAT STANDARD OF CARE.

IF THE OWNER OR CONTRACTOR OBSERVES OR OTHERWISE BECOMES AWARE OF ANY FAULT OR DEFECT IN THE PROJECT OR NONCONFORMANCE WITH THE CONTRACT DOCUMENTS, PROMPT WRITTEN NOTICE THEREOF SHALL BE GIVEN BY THE OWNER AND/OR CONTRACTOR TO THE ENGINEER.

THE ENGINEER SHALL NOT HAVE CONTROL OF OR CHARGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK, FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS, OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

SITE PROTECTION

PROTECT ALL LANDSCAPING THAT IS TO REMAIN. ANY DAMAGE OR LOSS RESULTING FROM EXCAVATION, GRADING, OR CONSTRUCTION WORK SHALL BE CORRECTED OR REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING SITE UTILITIES AND SHALL COORDINATE THEIR REMOVAL OR MODIFICATIONS (IF ANY) TO AVOID ANY INTERRUPTION OF SERVICE TO ADJACENT AREAS. THE GENERAL CONTRACTOR SHALL INFORM HIM/HERSELF OF MUNICIPAL REGULATIONS AND CARRY OUT HIS/HER WORK IN COMPLIANCE WITH ALL FEDERAL AND STATE REQUIREMENTS TO REDUCE FIRE HAZARDS AND INJURIES TO THE PUBLIC.

STORMWATER POLLUTION PREVENTION NOTES

1) STORE, HANDLE, AND DISPOSE OF CONSTRUCTION MATERIALS AND WASTES PROPERLY, SO AS TO PREVENT THEIR CONTACT WITH STORMWATER.

2) CONTROL AND PREVENT THE DISCHARGE OF ALL POTENTIAL POLLUTANTS, INCLUDING SOLID WASTES, PAINTS, CONCRETE, PETROLEUM PRODUCTS, CHEMICALS, WASH WATER OR SEDIMENT, AND NON-STORMWATER DISCHARGES TO STORM DRAINS AND WATER COURSES.

3) USE SEDIMENT CONTROL OR FILTRATION TO REMOVE SEDIMENT FROM DEWATERING EFFLUENT.

4) AVOID CLEANING, FUELING, OR MAINTAINING VEHICLES ON SITE, EXCEPT IN A DESIGNATED AREA IN WHICH RUNOFF IS CONTAINED AND TREATED.

5) DELINEATE CLEARING LIMITS, EASEMENTS, SETBACKS, SENSITIVE OR CRITICAL AREAS, BUFFER ZONES, TREES AND DISCHARGE COURSE WITH FIELD MARKERS.

6) PROTECT ADJACENT PROPERTIES AND UNDISTURBED AREAS FROM CONSTRUCTION IMPACTS USING VEGETATIVE BUFFER STRIPS, SEDIMENT BARRIERS OF FILTERS, DIKES, MULCHING, OR OTHER MEASURES AS APPROPRIATE.

7) PERFORM CLEARING AND EARTH MOVING ACTIVITIES DURING DRY WEATHER TO THE MAXIMUM EXTENT PRACTICAL.

8) LIMIT AND TIME APPLICATIONS OF PESTICIDES AND FERTILIZERS TO PREVENT POLLUTED RUNOFF.

9) LIMIT CONSTRUCTION ACCESS ROUTES AND STABILIZE DESIGNATED ACCESS POINTS.

10) AVOID TRACKING DIRT OR MATERIALS OFF-SITE; CLEAN OFF-SITE PAVED AREAS AND SIDEWALKS USING DRY SWEEPING METHODS TO THE MAXIMUM EXTENT PRACTICAL.

SUPPLEMENTAL MEASURES

A. THE PHRASE "NO DUMPING - DRAINS TO BAY" OR EQUALLY EFFECTIVE PHRASE MUST BE LABELED ON STORM DRAIN INLETS (BY STENCILING, BRANDING, OR PLAQUES) TO ALERT THE PUBLIC TO THE DESTINATION OF STORM WATER AND TO PREVENT DIRECT DISCHARGE OF POLLUTANTS INTO THE STORM DRAIN.

B. USING FILTRATION MATERIALS ON STORM DRAIN COVERS TO REMOVE SEDIMENT FROM DEWATERING EFFLUENT.

C. STABILIZING ALL DENUDED AREAS AND MAINTAINING EROSION CONTROL MEASURES CONTINUOUSLY FROM OCTOBER 15 AND APRIL 15.

D. REMOVING SPOILS PROMPTLY, AND AVOID STOCKPILING OF FILL MATERIALS, WHEN RAIN IS FORECAST. IF RAIN THREATENS, STOCKPILED SOILS AND OTHER MATERIALS SHALL BE COVERED WITH A TARP OR OTHER WATERPROOF MATERIAL.

E. STORING, HANDLING, AND DISPOSING OF CONSTRUCTION MATERIALS AND WASTES SO AS TO AVOID THEIR ENTRY TO THE STORM DRAIN SYSTEMS OR WATER BODY.

GRADING & DRAINAGE NOTES:

1. **SCOPE OF WORK**
- THESE SPECIFICATIONS AND APPLICABLE PLANS PERTAIN TO AND INCLUDE ALL SITE GRADING AND EARTHWORK ASSOCIATED WITH THE PROJECT INCLUDING, BUT NOT LIMITED TO THE FURNISHING OF ALL LABOR, TOOLS AND EQUIPMENT NECESSARY FOR SITE CLEARING AND GRUBBING, SITE PREPARATION, DISPOSAL OF EXCESS OR UNSUITABLE MATERIAL, STRIPPING, KEYING, EXCAVATION, OVER EXCAVATION, RECOMPACTION PREPARATION FOR SOIL RECEIVING FILL, PAVEMENT, FOUNDATION OF SLABS, EXCAVATION, IMPORTATION OF ANY REQUIRED FILL MATERIAL, PROCESSING, PLACEMENT AND COMPACTION OF FILL AND SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, GRADING AND SLOPE SHOWN ON THE PROJECT GRADING PLANS.
2. **GENERAL**
- A. ALL SITE GRADING AND EARTHWORK SHALL CONFORM TO THE RECOMMENDATIONS OF THESE SPECIFICATIONS, THE SOILS REPORT AND THE CITY OF MILPITAS.
- B. ALL FILL MATERIALS SHALL BE DENSIFIED SO AS TO PRODUCE A DENSITY NOT LESS THAN 90% RELATIVE COMPACTION BASED UPON ASTM TEST DESIGNATION D1557. FIELD DENSITY TEST WILL BE PERFORMED IN ACCORDANCE WITH ASTM TEST DESIGNATION 2922 AND 3017. THE LOCATION AND FREQUENCY OF THE FIELD DENSITY TEST WILL BE AS DETERMINED BY THE SOIL ENGINEER. THE RESULTS OF THESE TEST AND COMPLIANCE WITH THE SPECIFICATIONS WILL BE THE BASIS UPON WHICH SATISFACTORY COMPLETION OF THE WORK WILL BE JUDGED BY THE SOIL ENGINEER. ALL CUT AND FILL SLOPES SHALL BE CONSTRUCTED AS SHOWN ON PLANS, BUT NO STEEPER THAN TWO (2) HORIZONTAL TO ONE (1) VERTICAL.
- C. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SATISFACTORY COMPLETION OF ALL THE EARTHWORK IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS. NO DEVIATION FROM THESE SPECIFICATIONS SHALL BE MADE EXCEPT UPON WRITTEN APPROVAL BY THE SOILS ENGINEER. BOTH CUT AND FILL AREAS SHALL BE SURFACE COMPLETED TO THE SATISFACTION OF THE SOILS ENGINEER AT THE CONCLUSION OF ALL GRADING OPERATIONS AND PRIOR TO FINAL ACCEPTANCE. THE CONTRACTOR SHALL NOTIFY THE SOILS ENGINEER AT LEAST TWO (2) WORKING DAYS PRIOR TO DOING ANY SITE GRADING AND EARTHWORK INCLUDING CLEARING.
3. **CLEARING AND GRUBBING**
- A. THE CONTRACTOR SHALL ACCEPT THE SITE IN ITS PRESENT CONDITION. ALL EXISTING PUBLIC IMPROVEMENTS SHALL BE PROTECTED. ANY IMPROVEMENTS DAMAGED SHALL BE REPLACED BY THE CONTRACTOR AS DIRECTED BY THE LOCAL JURISDICTION WITH NO EXTRA COMPENSATION.
- B. ALL ABANDONED BUILDINGS AND FOUNDATIONS, TREE (EXCEPT THOSE SPECIFIED TO REMAIN FOR LANDSCAPING PURPOSES), FENCES, VEGETATION AND ANY SURFACE DEBRIS SHALL BE REMOVED AND DISPOSED OF OFF THE SITE BY THE CONTRACTOR.
- C. ALL ABANDONED SEPTIC TANKS AND ANY OTHER SUBSURFACE STRUCTURES EXISTING IN PROPOSED DEVELOPMENT AREAS SHALL BE REMOVED PRIOR TO ANY GRADING OR FILL OPERATION. ALL APPURTENANT DRAIN FIELDS AND OTHER CONNECTING LINES MUST ALSO BE TOTALLY REMOVED.
- D. ALL ABANDONED UNDERGROUND IRRIGATION OR UTILITY LINES SHALL BE REMOVED OR DEMOLISHED. THE APPROPRIATE FINAL DISPOSITION OF SUCH LINES DEPEND UPON THEIR DEPTH AND LOCATION AND THE METHOD OF REMOVAL OR DEMOLITION SHALL BE DETERMINED BY THE SOILS ENGINEER. ONE OF THE FOLLOWING METHODS WILL BE USED:
- (1) EXCAVATE AND TOTALLY REMOVE THE UTILITY LINE FROM THE TRENCH.
- (2) EXCAVATE AND CRUSH THE UTILITY LINE IN THE TRENCH.
- (3) CAP THE ENDS OF THE UTILITY LINE WITH CONCRETE TO PREVENT THE ENTRANCE OF WATER. THE LOCATIONS AT WHICH THE UTILITY LINE WILL BE CAPPED WILL BE DETERMINED BY THE UTILITY DISTRICT ENGINEER. THE LENGTH OF THE CAP SHALL NOT BE LESS THAN FIVE FEET, AND THE CONCRETE MIX EMPLOYED SHALL HAVE MINIMUM SHRINKAGE.
4. **SITE PREPARATION AND STRIPPING**
- A. ALL SURFACE ORGANICS SHALL BE STRIPPED AND REMOVED FROM BUILDING PADS, AREAS TO RECEIVE COMPACTED FILL AND PAVEMENT AREAS.
- B. UPON THE COMPLETION OF THE ORGANIC STRIPPING OPERATION, THE GROUND SURFACE (NATIVE SOIL SUBGRADE) OVER THE ENTIRE AREA OF ALL BUILDING PADS, STREET AND PAVEMENT AREAS AND ALL AREAS TO RECEIVE COMPACTED FILL SHALL BE PLOWED OR SCARIFIED UNTIL THE SURFACE IS FREE OF RUTS, HUMMOCKS OR OTHER UNEVEN FEATURES WHICH MAY INHIBIT UNIFORM SOIL COMPACTION. THE GROUND SURFACE SHALL THEN BE DISCED OR BLADED TO A DEPTH OF AT LEAST 6 INCHES. UPON ENGINEER'S SATISFACTION, THE NEW SURFACE SHALL BE WATER CONDITIONED AND RECOMPACTED PER REQUIREMENTS FOR COMPACTING FILL MATERIAL.
5. **EXCAVATION**
- A. UPON COMPLETION OF THE CLEARING AND GRUBBING, SITE PREPARATION AND STRIPPING, THE CONTRACTOR SHALL MAKE EXCAVATIONS TO LINES AND GRADES NOTED ON THE PLAN, WHERE REQUIRED BY THE SOILS ENGINEER. UNACCEPTABLE NATIVE SOILS OR UNENGINEERED FILL SHALL BE OVER EXCAVATED BELOW THE DESIGN GRADE. SEE PROJECT SOILS REPORT FOR DISCUSSION OF OVER EXCAVATION OF THE UNACCEPTABLE MATERIAL. RESULTING GROUND LINE SHALL BE SCARIFIED, MOISTURE-CONDITIONED AND RECOMPACTED AS SPECIFIED IN SECTION 4 OF THESE SPECIFICATIONS. COMPACTED FILL MATERIAL SHALL BE PLACED TO BRING GROUND LEVEL BACK TO DESIGN GRADE.
- B. EXCAVATED MATERIALS SUITABLE FOR COMPACTED FILL MATERIAL SHALL BE UTILIZED IN MAKING THE REQUIRED COMPACTED FILLS. THOSE NATIVE MATERIALS CONSIDERED UNSUITABLE BY THE SOILS ENGINEER SHALL BE DISPOSED OF OFF THE SITE BY THE CONTRACTOR.
6. **PLACING, SPREADING AND COMPACTING FILL MATERIAL**
- A. **FILL MATERIALS**
- THE MATERIALS PROPOSED FOR USE AS COMPACTED FILL SHALL BE APPROVED BY THE SOILS ENGINEER BEFORE COMMENCEMENT OF GRADING OPERATIONS. THE NATIVE MATERIAL IS CONSIDERED SUITABLE FOR FILL; HOWEVER, ANY NATIVE MATERIAL DESIGNATED UNSUITABLE BY THE SOILS ENGINEER SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR. ANY IMPORTED MATERIAL SHALL BE APPROVED FOR USE BY THE SOILS ENGINEER, IN WRITING, BEFORE BEING IMPORTED TO THE SITE AND SHALL POSSESS SUFFICIENT FINES TO PROVIDE A COMPETENT SOIL MATRIX AND SHALL BE FREE OF VEGETATIVE AND ORGANIC MATTER AND OTHER DELETERIOUS MATERIALS. ALL FILL Voids SHALL BE FILLED AND PROPERLY COMPACTED. NO ROCKS LARGER THAN THREE INCHES IN DIAMETER SHALL BE PERMITTED.
- B. **FILL CONSTRUCTION**
- THE SOILS ENGINEER SHALL APPROVE THE NATIVE SOIL SUBGRADE BEFORE PLACEMENT OF ANY COMPACTED FILL MATERIAL. UNACCEPTABLE NATIVE SOIL SHALL BE REMOVED AS DIRECTED BY THE SOILS ENGINEER. THE RESULTING GROUND LINE SHALL BE SCARIFIED MOISTURE CONDITIONED AND RECOMPACTED AS SPECIFIED IN SECTION 4 OF THESE SPECIFICATIONS. COMPACTED FILL MATERIAL SHALL BE PLACED TO BRING GROUND LEVEL BACK TO DESIGN GRADE. GROUND PREPARATION SHALL BE FOLLOWED CLOSELY BY FILL PLACEMENT TO PREVENT DRYING OUT OF THE SUBSOIL BEFORE PLACEMENT OF THE FILL.
- THE APPROVED FILL MATERIALS SHALL BE PLACED IN UNIFORM HORIZONTAL LAYERS NO THICKER THAN 8" IN LOOSE THICKNESS. LAYERS SHALL BE SPREAD EVENLY AND SHALL BE THOROUGHLY BLADE MIXED DURING THE SPREADING TO ENSURE UNIFORMITY OF MATERIAL IN EACH LAYER. THE SCARIFIED SUBGRADE AND FILL MATERIAL SHALL BE MOISTURE CONDITIONED TO AT LEAST OPTIMUM MOISTURE. WHEN THE MOISTURE CONTENT OF THE FILL IS BELOW THAT SPECIFIED, WATER SHALL BE ADDED UNTIL THE MOISTURE DURING THE COMPACTION PROCESS. WHEN THE MOISTURE CONTENT OF THE FILL IS ABOVE THAT SPECIFIED, THE FILL MATERIAL SHALL BE AERATED BY BLADING OR OTHER SATISFACTORY METHODS UNTIL THE MOISTURE CONTENT IS AS SPECIFIED.
- AFTER EACH LAYER HAS BEEN PLACED, MIXED, SPREAD EVENLY AND MOISTURE CONDITIONED, IT SHALL BE COMPACTED TO AT LEAST THE SPECIFIED DENSITY.
- THE FILL OPERATION SHALL BE CONTINUED IN COMPACTED LAYERS AS SPECIFIED ABOVE UNTIL THE FILL HAS BEEN BROUGHT TO THE FINISHED SLOPES AND GRADES AS SHOWN ON THE PLANS. NO LAYER SHALL BE ALLOWED TO DRY OUT BEFORE SUBSEQUENT LAYERS ARE PLACED.
- COMPACTION EQUIPMENT SHALL BE OF SUCH DESIGN THAT IT WILL BE ABLE TO COMPACT THE FILL TO THE SPECIFIED MINIMUM COMPACTION WITHIN THE SPECIFIED MOISTURE CONTENT RANGE. COMPACTION OF EACH LAYER SHALL BE CONTINUOUS OVER ITS ENTIRE AREA UNTIL THE REQUIRED MINIMUM DENSITY HAS BEEN OBTAINED.
7. **CUT OR FILL SLOPES**
- ALL CONSTRUCTED SLOPES, BOTH CUT AND FILL, SHALL BE NO STEEPER THAN 2 TO 1 (HORIZONTAL TO VERTICAL), DURING THE GRADING OPERATION, COMPACTED FILL SLOPES SHALL BE OVERFILLED BY AT LEAST ONE FOOT HORIZONTALLY AT THE COMPLETION OF THE GRADING OPERATIONS. THE EXCESS FILL EXISTING ON THE SLOPES SHALL BE BLADED OFF TO CREATE THE FINISHED SLOPE. EMBANKMENT. ALL CUT AND FILL SLOPES SHALL BE TRACK WALKED AFTER BEING BROUGHT TO FINISH GRADE AND THEN BE PLANTED WITH EROSION CONTROL. SLOPE PLANTING. THE SOILS ENGINEER SHALL REVIEW ALL CUT SLOPES TO DETERMINE IF ANY ADVERSE GEOLOGIC CONDITIONS ARE EXPOSED. IF SUCH CONDITIONS DO OCCUR, THE SOILS ENGINEER SHALL RECOMMEND THE APPROPRIATE MITIGATION MEASURES AT THE TIME OF THEIR DETECTION.
8. **SEASONAL LIMITS AND DRAINAGE CONTROL**
- FILL MATERIALS SHALL NOT BE PLACED, SPREAD OR COMPACTED WHILE IT IS AT AN UNSUITABLY HIGH MOISTURE CONTENT OR DURING OTHERWISE UNFAVORABLE CONDITIONS. WHEN THE WORK IS INTERRUPTED FOR ANY REASON THE FILL OPERATIONS SHALL NOT BE RESUMED UNTIL FIELD TEST PERFORMED BY THE SOILS ENGINEER INDICATE THAT THE MOISTURE CONDITIONS IN AREAS TO BE FILLED ARE AS PREVIOUSLY SPECIFIED. ALL EARTH MOVING AND WORKING OPERATIONS SHALL BE CONTROLLED TO PREVENT WATER FROM RUNNING INTO EXCAVATED AREAS. ALL EXCESS WATER SHALL BE PROMPTLY REMOVED AND THE SITE KEPT DRY.
9. **DUST CONTROL**
- THE CONTRACTOR SHALL TAKE ALL STEPS NECESSARY FOR THE ALLEVATION OR PREVENTION OF ANY DUST NUISANCE ON OR ABOUT THE SITE CAUSED BY THE CONTRACTOR'S OPERATION EITHER DURING THE PERFORMANCE OF THE GRADING OR RESULTING FROM THE CONDITION IN WHICH THE CONTRACTOR LEAVES THE SITE. THE CONTRACTOR SHALL ASSUME ALL LIABILITY INCLUDING COURT COST OF CO-DEFENDANTS FOR ALL CLAIMS RELATED TO DUST OR WIND-BLOWN MATERIALS ATTRIBUTABLE TO HIS WORK. COST FOR THIS ITEM OF WORK IS TO BE INCLUDED IN THE EXCAVATION ITEM AND NO ADDITIONAL COMPENSATION SHALL BE ALLOWED.
10. **INDEMNITY**
- THE CONTRACTOR WILL HOLD HARMLESS, INDEMNIFY AND DEFEND THE ENGINEER, THE OWNER AND HIS CONSULTANTS AND EACH OF THEIR OFFICERS AND EMPLOYEES AND AGENTS, FROM ANY AND ALL LIABILITY CLAIMS, LOSSES OR DAMAGE ARISING OR ALLEGED TO HEREIN, BUT NOT INCLUDING THE SOLE NEGLIGENCE OF THE OWNER, THE ARCHITECT, THE ENGINEER AND HIS CONSULTANTS AND EACH OF THEIR OFFICERS AND EMPLOYEES AND AGENTS.
11. **SAFETY**
- IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
- THE DUTY OF THE ENGINEERS TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES, IN, ON OR NEAR THE CONSTRUCTION SITE.

12. **GUARANTEE**
- NEITHER THE FINAL PAYMENT, NOR THE PROVISIONS IN THE CONTRACT, NOR PARTIAL, NOR ENTIRE USE OR OCCUPANCY OF THE PREMISES BY THE OWNER SHALL CONSTITUTE AN ACCEPTANCE OF THE WORK NOT DONE IN ACCORDANCE WITH THE CONTRACT OR RELIEVES THE CONTRACTOR OF LIABILITY IN RESPECT TO ANY EXPRESS WARRANTIES OR RESPONSIBILITY FOR FAULTY MATERIAL OR WORKMANSHIP.
- THE CONTRACTOR SHALL REMEDY ANY DEFECTS IN WORK AND PAY FOR ANY DAMAGE TO OTHER WORK RESULTING THEREFROM WHICH SHALL APPEAR WITHIN A PERIOD OF ONE (1) CALENDAR YEAR FROM THE DATE OF FINAL ACCEPTANCE OF THE WORK.
13. **TRENCH BACKFILL**
- EITHER THE ON-SITE INORGANIC SOIL OR APPROVED IMPORTED SOIL MAY BE USED AS TRENCH BACKFILL. THE BACKFILL MATERIAL SHALL BE MOISTURE CONDITIONED PER THESE SPECIFICATIONS AND SHALL BE PLACED IN LIFTS OF NOT MORE THAN SIX INCHES IN HORIZONTAL UNCOMPACTED LAYERS AND BE COMPACTED BY MECHANICAL MEANS TO A MINIMUM OF 90% RELATIVE COMPACTION. IMPORTED SAND MAY BE USED FOR TRENCH BACKFILL MATERIAL PROVIDED IT IS COMPACTED TO AT LEAST 90% RELATIVE COMPACTION. WATER JETTING ASSOCIATED WITH COMPACTION USING VIBRATORY EQUIPMENT WILL BE PERMITTED ONLY WITH IMPORTED SAND BACKFILL WITH THE APPROVAL OF THE SOILS ENGINEER. ALL PIPES SHALL BE BEDDED WITH SAND EXTENDING FROM THE TRENCH BOTTOM TO TWELVE INCHES ABOVE THE PIPE. SAND BEDDING IS TO BE COMPACTED AS SPECIFIED ABOVE FOR SAND BACKFILL.
14. **EROSION CONTROL**
- A. ALL GRADING, EROSION AND SEDIMENT CONTROL AND RELATED WORK UNDERTAKEN ON THIS SITE IS SUBJECT TO ALL TERMS AND CONDITIONS OF THE COUNTY GRADING ORDINANCE AND MADE A PART HEREOF BY REFERENCE.
- B. THE CONTRACTOR WILL BE LIABLE FOR ANY AND ALL DAMAGES TO ANY PUBLICLY OWNED AND MAINTAINED ROAD CAUSED BY THE AFORESAID CONTRACTOR'S GRADING ACTIVITIES, AND SHALL BE RESPONSIBLE FOR THE CLEANUP OF ANY MATERIAL SPILLED ON ANY PUBLIC ROAD ON THE HAUL ROUTE.
- C. THE EROSION CONTROL MEASURES ARE TO BE OPERABLE DURING THE RAINY SEASON, GENERALLY FROM OCTOBER FIRST TO APRIL FIFTEENTH. EROSION CONTROL PLANTING IS TO BE COMPLETED BY OCTOBER FIRST. NO GRADING OR UTILITY TRENCHING SHALL OCCUR BETWEEN OCTOBER FIRST AND APRIL FIFTEENTH UNLESS AUTHORIZED BY THE LOCAL JURISDICTION.
- D. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED AND CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF THE SOILS ENGINEER.
- E. DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT-LADEN RUNOFF TO ANY STORM DRAINAGE SYSTEM.
- F. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AT THE END OF EACH WORKING DAY DURING THE RAINY SEASON.
- G. WHEN NO LONGER NECESSARY AND PRIOR TO FINAL ACCEPTANCE OF DEVELOPMENT, SEDIMENT BASINS SHALL BE REMOVED OR OTHERWISE DEACTIVATED AS REQUIRED BY THE LOCAL JURISDICTION.
- H. A CONSTRUCTION ENTRANCE SHALL BE PROVIDED AT ANY POINT OF EGRESS FROM THE SITE TO ROADWAY. A CONSTRUCTION ENTRANCE SHOULD BE COMPOSED OF COARSE DRAIN ROCK (2" TO 3" MINIMUM DIAMETER) AT LEAST EIGHT INCHES THICK BY FIFTY (50) FEET LONG BY TWENTY (20) FEET WIDE UNLESS SHOWN OTHERWISE ON PLAN AND SHALL BE MAINTAINED UNTIL THE SITE IS PAVED.
- I. ALL AREAS SPECIFIED FOR HYDROSEEDING SHALL BE NOZZLE PLANTED WITH STABILIZATION MATERIAL CONSISTING OF FIBER, SEED, FERTILIZER AND WATER, MIXED AND APPLIED IN THE FOLLOWING PROPORTIONS:
- FIBER, 2000 LBS/ACRE
SEED, 200 LBS/ACRE (SEE NOTE J, BELOW)
FERTILIZER (11-8-4), 500 LBS/ACRE
WATER, AS REQUIRED FOR APPLICATION
- J. SEED MIX SHALL BE PER CALTRANS STANDARDS.
- K. WATER UTILIZED IN THE STABILIZATION MATERIAL SHALL BE OF SUCH QUALITY THAT IT WILL PROMOTE GERMINATION AND STIMULATE GROWTH OF PLANTS. IT SHALL BE FREE OF POLLUTANT MATERIALS AND WEED SEED.
- L. HYDROSEEDING SHALL CONFORM TO THE PROVISIONS OF SECTION 20, EROSION CONTROL AND HIGHWAY PLANTING", OF THE STANDARD SPECIFICATIONS OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, AS LAST REVISED.
- M. A DISPERSING AGENT MAY BE ADDED TO THE HYDROSEEDING MATERIAL. PROVIDED THAT THE CONTRACTOR FURNISHES SUITABLE EVIDENCE THAT THE ADDITIVE WILL NOT ADVERSELY AFFECT THE PERFORMANCE OF THE SEEDING MIXTURE.
- N. STABILIZATION MATERIALS SHALL BE APPLIED AS SOON AS PRACTICABLE AFTER COMPLETION OF GRADING OPERATIONS AND PRIOR TO THE ONSET OF WINTER RAINS, OR AT SUCH OTHER TIME AS DIRECTED BY THE COUNTY ENGINEER. THE MATERIAL SHALL BE APPLIED BEFORE INSTALLATION OF OTHER LANDSCAPING MATERIALS SUCH AS TREES, SHRUBS AND GROUND COVERS.
- O. THE STABILIZATION MATERIAL SHALL BE APPLIED WITHIN 4-HOURS AFTER MIXING. MIXED MATERIAL NOT USED WITHIN 4-HOURS SHALL BE REMOVED FROM THE SITE.
- P. THE CONTRACTOR SHALL MAINTAIN THE SOIL STABILIZATION MATERIAL AFTER PLACEMENT. THE COUNTY ENGINEER MAY REQUIRE SPRAY APPLICATION OF WATER OR OTHER MAINTENANCE ACTIVITIES TO ASSURE THE EFFECTIVENESS OF THE STABILIZATION PROCESS. APPLICATION OF WATER SHALL BE ACCOMPLISHED USING NOZZLES THAT PRODUCE A SPRAY THAT DOES NOT CONCENTRATE OR WASH AWAY THE STABILIZATION MATERIALS.
15. **CLEANUP**
- THE CONTRACTOR MUST MAINTAIN THE SITE CLEAN, SAFE AND IN USABLE CONDITION. ANY SPILLS OF SOIL, ROCK OR CONSTRUCTION MATERIAL MUST BE REMOVED FROM THE SITE BY THE CONTRACTOR DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. COST FOR THIS ITEM OF WORK SHALL BE INCLUDED IN THE EXCAVATION AND COMPACTION ITEM AND NO ADDITIONAL COMPENSATION SHALL BE ALLOWED.

NOTE:
THESE NOTES ARE INTENDED TO BE USED AS A GENERAL GUIDELINE. THE REFERENCED SOILS REPORT FOR THE PROJECT AND GOVERNING AGENCY GRADING ORDINANCE SHALL SUPERSEDE THESE NOTES. THE SOILS ENGINEER MAY MAKE ON-SITE RECOMMENDATIONS DURING GRADING OPERATIONS.

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4	RB
3	RB
2	RB
1	TB
REVISIONS	BY

JOB NO: 2140175

DATE: 5-19-15

SCALE: NO SCALE

DESIGN BY: BS, RB

DRAWN BY: TB

SHEET NO:

C-7.0

15 OF 19 SHEETS

100% DESIGN DEVELOPMENT

PURPOSE:

THE PURPOSE OF THIS PLAN IS TO STABILIZE THE SITE TO PREVENT EROSION OF GRADED AREAS AND TO PREVENT SEDIMENTATION FROM LEAVING THE CONSTRUCTION AREA AND AFFECTING NEIGHBORING SITES, NATURAL AREAS, PUBLIC FACILITIES OR ANY OTHER AREA THAT MIGHT BE AFFECTED BY SEDIMENTATION. ALL MEASURES SHOWN ON THIS PLAN SHOULD BE CONSIDERED THE MINIMUM REQUIREMENTS NECESSARY. SHOULD FIELD CONDITIONS DICTATE ADDITIONAL MEASURES, SUCH MEASURES SHALL BE PER CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL AND THE CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION. LEA & BRAZE ENGINEERING SHOULD BE NOTIFIED IMMEDIATELY SHOULD CONDITIONS CHANGE.

EROSION CONTROL NOTES:

- IT SHALL BE THE OWNER'S/CONTRACTOR'S RESPONSIBILITY TO MAINTAIN CONTROL OF THE ENTIRE CONSTRUCTION OPERATION AND TO KEEP THE ENTIRE SITE IN COMPLIANCE WITH THIS EROSION CONTROL PLAN.
- THE INTENTION OF THIS PLAN IS FOR INTERIM EROSION AND SEDIMENT CONTROL ONLY. ALL EROSION CONTROL MEASURES SHALL CONFORM TO CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL, THE CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION, AND THE LOCAL GOVERNING AGENCY FOR THIS PROJECT.
- OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO, DURING, AND AFTER STORM EVENTS. PERSON IN CHARGE OF MAINTAINING EROSION CONTROL MEASURES SHOULD WATCH LOCAL WEATHER REPORTS AND ACT APPROPRIATELY TO MAKE SURE ALL NECESSARY MEASURES ARE IN PLACE.
- SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
- DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT-LOADED RUNOFF TO ANY STORM DRAINAGE SYSTEM, INCLUDING EXISTING DRAINAGE SWALES AND WATERCOURSES.
- CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION WILL BE MINIMIZED. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS CONCERNING POLLUTION SHALL BE MAINTAINED AT ALL TIMES.
- CONTRACTOR SHALL PROVIDE DUST CONTROL AS REQUIRED BY THE APPROPRIATE FEDERAL, STATE AND LOCAL AGENCY REQUIREMENTS.
- ALL MATERIALS NECESSARY FOR THE APPROVED EROSION CONTROL MEASURES SHALL BE IN PLACE BY OCTOBER 15TH.
- EROSION CONTROL SYSTEMS SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE RAINY SEASON, OR FROM OCTOBER 15TH THROUGH APRIL 15TH, WHICHEVER IS LONGER.
- IN THE EVENT OF RAIN, ALL GRADING WORK IS TO CEASE IMMEDIATELY AND THE SITE IS TO BE SEALED IN ACCORDANCE WITH THE APPROVAL EROSION CONTROL MEASURES AND APPROVED EROSION CONTROL PLAN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND REPAIRING EROSION CONTROL SYSTEMS AFTER EACH STORM.
- ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED BY LOCAL JURISDICTION'S ENGINEERING DEPARTMENT OR BUILDING OFFICIALS.
- MEASURES SHALL BE TAKEN TO COLLECT OR CLEAN ANY ACCUMULATION OR DEPOSIT OF DIRT, MUD, SAND, ROCKS, GRAVEL OR DEBRIS ON THE SURFACE OF ANY STREET, ALLEY OR PUBLIC PLACE OR IN ANY PUBLIC STORM DRAIN SYSTEMS. THE REMOVAL OF AFORESAID SHALL BE DONE BY STREET SWEEPING OR HAND SWEEPING. WATER SHALL NOT BE USED TO WASH SEDIMENTS INTO PUBLIC OR PRIVATE DRAINAGE FACILITIES.
- EROSION CONTROL MEASURES SHALL BE ON-SITE FROM SEPTEMBER 15TH THRU APRIL 15TH.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE RAINY SEASON OR FROM OCTOBER 1 THRU APRIL 15, WHICHEVER IS GREATER.
- PLANS SHALL BE DESIGNED TO MEET C3 REQUIREMENTS OF THE MUNICIPAL STORMWATER REGIONAL PERMIT("MRP") NPDES PERMIT CAS 612008.
- THE CONTRACTOR TO NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) BEST MANAGEMENT PRACTICES (BMP) FOR SEDIMENTATION PREVENTION AND EROSION CONTROL TO PREVENT DELETERIOUS MATERIALS OR POLLUTANTS FROM ENTERING THE TOWN OR COUNTY STORM DRAIN SYSTEMS.
- THE CONTRACTOR MUST INSTALL ALL EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO THE INCEPTION OF ANY WORK ONSITE AND MAINTAIN THE MEASURES UNTIL THE COMPLETION OF ALL LANDSCAPING.
- THE CONTRACTOR SHALL MAINTAIN ADJACENT STREETS IN A NEAT, CLEAN DUST FREE AND SANITARY CONDITION AT ALL TIMES AND TO THE SATISFACTION OF THE TOWN INSPECTOR. THE ADJACENT STREET SHALL AT ALL TIMES BE KEPT CLEAN OF DEBRIS, WITH DUST AND OTHER NUISANCE BEING CONTROLLED AT ALL TIMES. THE CONTRACTOR BE RESPONSIBLE FOR ANY CLEAN UP ON ADJACENT STREETS AFFECTED BY THE BY THEIR CONSTRUCTION. METHOD OF STREET CLEANING SHALL BE BY DRY SWEEPING OF ALL PAVED AREAS. NO STOCKPILING OF BUILDING MATERIALS WITHIN THE TOWN RIGHT-OF-WAY.
- SEDIMENTS AND OTHER MATERIALS SHALL NOT BE TRACKED FROM THE SITE BY VEHICLE. THE CONTRACTOR SHALL INSTALL A STABILIZED CONSTRUCTION ENTRANCE PRIOR TO THE INSPECTION OF ANY WORK ONSITE AND MAINTAIN IT FOR THE DURATION OF THE CONSTRUCTION PROCESS SO AS TO NOT INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC RIGHT-OF-WAY UNTIL THE COMPLETION OF ALL LANDSCAPING.
- THE CONTRACTOR SHALL PROTECT DOWN SLOPE DRAINAGE COURSES, STREAMS AND STORM DRAINS WITH ROCK FILLED SAND BAGS, TEMPORARY SWALES, SILT FENCES, AND EARTH PERMS IN CONJUNCTION OF ALL LANDSCAPING.
- STOCKPILED MATERIALS SHALL BE COVERED WITH VISQUEEN OR A TARPULIN UNTIL THE MATERIAL IS REMOVED FROM THE SITE. ANY REMAINING BARE SOIL THAT EXISTS AFTER THE STOCKPILE HAS BEEN REMOVED SHALL BE COVERED UNTIL A NATURAL GROUND COVER IS ESTABLISHED OR IT IS SEEDED OR PLANTED TO PROVIDE GROUND COVER PRIOR TO THE FALL RAINY SEASON.
- EXCESS OR WASTE CONCRETE MUST NOT BE WASHED INTO THE PUBLIC RIGHT-OF-WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.
- TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION AND DISPERSAL BY WIND

EROSION CONTROL NOTES CONTINUED:

- FUELS, OILS, SOLVENTS AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MUST NOT BE WASHED INTO THE DRAINAGE SYSTEM,
- DUST CONTROL SHALL BE DONE BY WATERING AND AS OFTEN AS REQUIRED BY THE TOWN INSPECTOR.
- SILT FENCE(S) AND/OR FIBER ROLL(S) SHALL BE INSTALLED PRIOR TO SEPTEMBER 15TH AND SHALL REMAIN IN PLACE UNTIL THE LANDSCAPING GROUND COVER IS INSTALLED. CONTRACTOR SHALL CONTINUOUSLY MONITOR THESE MEASURES, FOLLOWING AND DURING ALL RAIN EVENTS, TO PUBLIC OWNED FACILITIES.

EROSION CONTROL MEASURES:

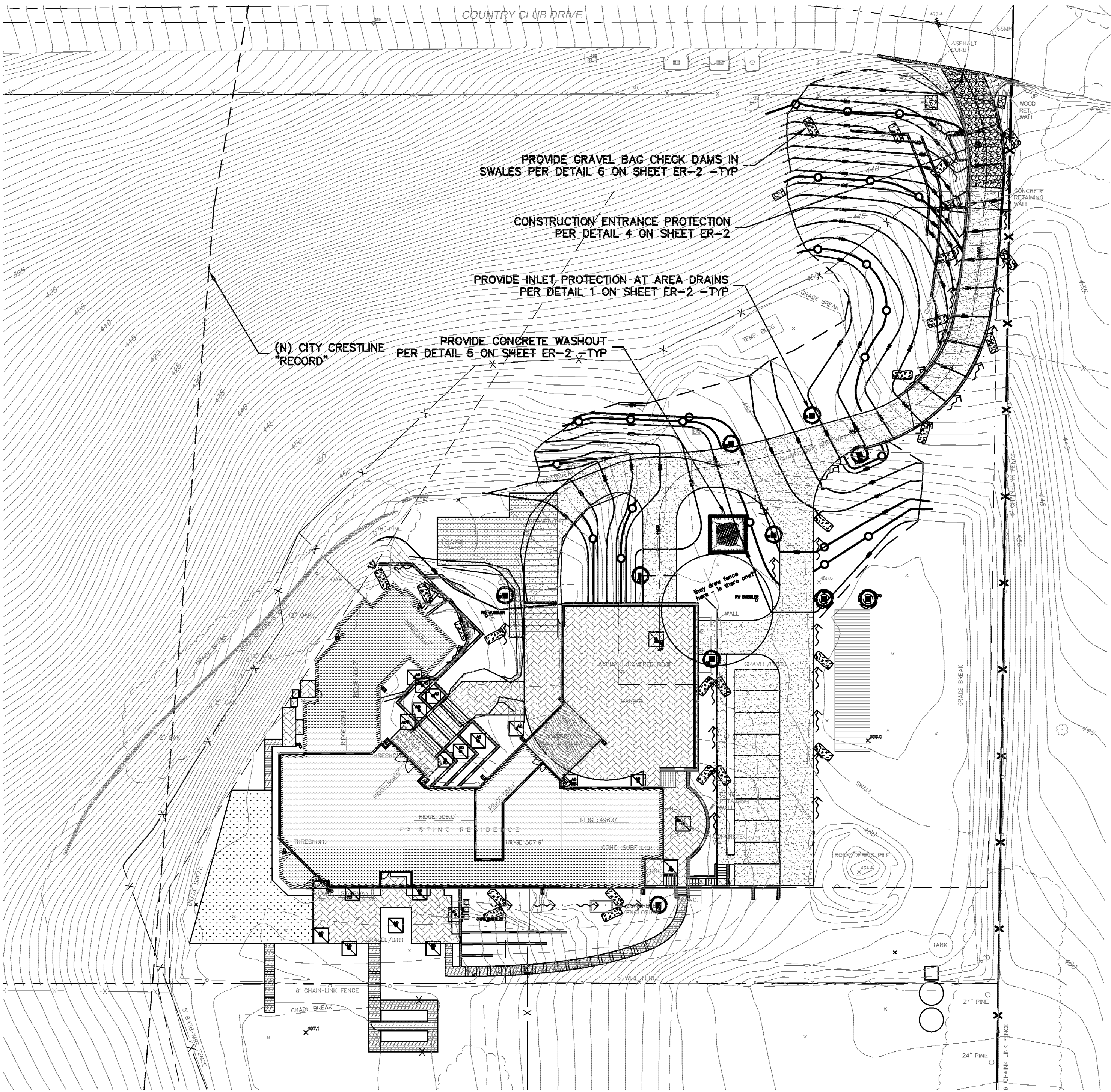
- THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL EROSION AND SEDIMENT DURING THE RAINY SEASON, OCTOBER 15TH TO APRIL 15. EROSION CONTROL FACILITIES SHALL BE IN PLACE PRIOR TO OCTOBER 15TH OF ANY YEAR. GRADING OPERATIONS DURING THE RAINY SEASON WHICH LEAVE DENUDE SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES IMMEDIATELY FOLLOWING GRADING ON THE SLOPES.
- SITE CONDITIONS AT TIME OF PLACEMENT OF EROSION CONTROL MEASURES WILL VARY. APPROPRIATE ACTION INCLUDING TEMPORARY SWALES, INLETS, HYDROSEEDING, STRAW BALES, ROCK SACKS, ETC. SHALL BE TAKEN TO PREVENT EROSION AND SEDIMENTATION FROM LEAVING SITE. EROSION CONTROL MEASURES SHALL BE ADJUSTED AS THE CONDITIONS CHANGE AND THE NEED OF CONSTRUCTION SHIFT.
- CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING. ALL CONSTRUCTION TRAFFIC ENTERING ONTO THE PAVED ROADS MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCES. CONTRACTOR SHALL MAINTAIN STABILIZED ENTRANCE AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS. ANY MUD OR DEBRIS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED DAILY AND AS REQUIRED BY THE GOVERNING AGENCY.
- ALL EXPOSED SLOPES THAT ARE NOT VEGETATED SHALL BE HYDROSEED. IF HYDROSEEDING IS NOT USED OR IS NOT EFFECTIVE BY OCTOBER 15, THEN OTHER IMMEDIATE METHODS SHALL BE IMPLEMENTED, SUCH AS EROSION CONTROL BLANKETS, OR A THREE-STEP APPLICATION OF 1) SEED, MULCH, FERTILIZER 2) BLOWN STRAW 3) TACKIFIER AND MULCH. HYDROSEEDING SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20" EROSION CONTROL AND HIGHWAY PLANTING" OF THE STANDARD SPECIFICATION OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, AS LAST REVISED. REFER TO THE EROSION CONTROL SECTION OF THE GRADING SPECIFICATIONS THAT ARE A PART OF THIS PLAN SET FOR FURTHER INFORMATION.
- INLET PROTECTION SHALL BE INSTALLED AT OPEN INLETS TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM. INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL ARE TO BE BLOCKED TO PREVENT ENTRY OF SEDIMENT. MINIMUM INLET PROTECTION SHALL CONSIST OF A ROCK SACKS OR AS SHOWN ON THIS PLAN
- THIS EROSION AND SEDIMENT CONTROL PLAN MAY NOT COVER ALL THE SITUATIONS THAT MAY ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS AND ADDITIONS MAY BE MADE TO THIS PLAN IN THE FIELD. A REPRESENTATIVE OF LEA & BRAZE ENGINEERING SHALL PERFORM A FIELD REVIEW AND MAKE RECOMMENDATIONS AS NEEDED. CONTRACTOR IS RESPONSIBLE TO NOTIFY LEA & BRAZE ENGINEERING AND THE GOVERNING AGENCY OF ANY CHANGES.
- THE EROSION CONTROL MEASURES SHALL CONFORM TO THE LOCAL JURISDICTION'S STANDARDS AND THE APPROVAL OF THE LOCAL JURISDICTION'S ENGINEERING DEPARTMENT.
- STRAW ROLLS SHALL BE PLACED AT THE TOE OF SLOPES AND ALONG THE DOWN SLOPE PERIMETER OF THE PROJECT. THEY SHALL BE PLACED AT 25 FOOT INTERVALS ON GRADED SLOPES. PLACEMENT SHALL RUN WITH THE CONTOURS AND ROLLS SHALL BE TIGHTLY END BUTTED. CONTRACTOR SHALL REFER TO MANUFACTURES SPECIFICATIONS FOR PLACEMENT AND INSTALLATION INSTRUCTIONS.

REFERENCES:

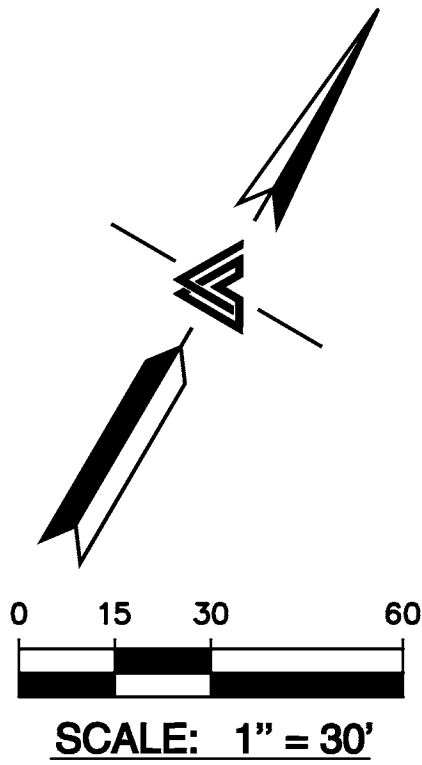
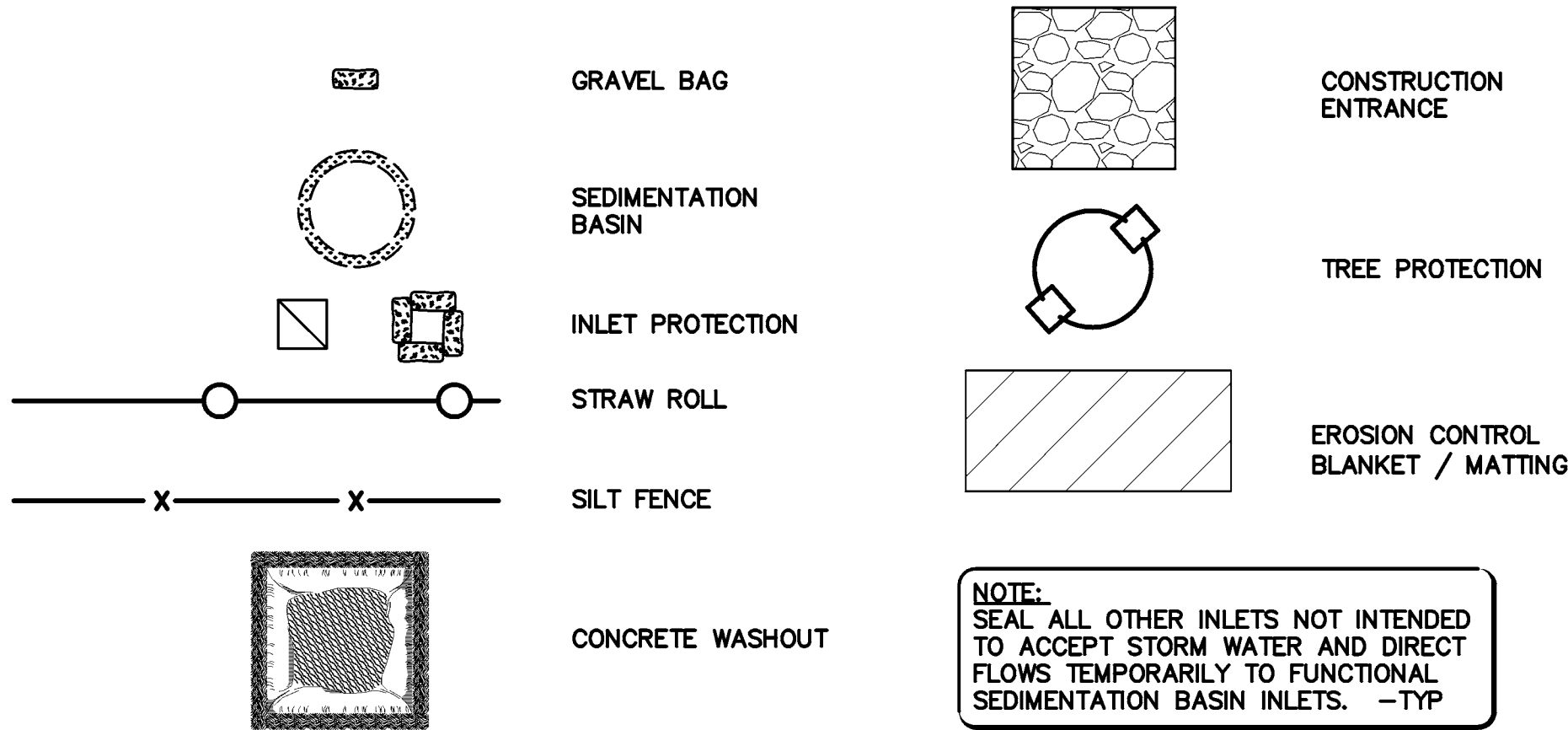
- CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL
- CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION

PERIODIC MAINTENANCE:

- MAINTENANCE IS TO BE PERFORMED AS FOLLOWS:
 - DAMAGES CAUSED BY SOIL EROSION OR CONSTRUCTION SHALL BE REPAIRED AT THE END OF EACH WORKING DAY.
 - SWALES SHALL BE INSPECTED PERIODICALLY AND MAINTAINED AS NEEDED.
 - SEDIMENT TRAPS, BERMS, AND SWALES ARE TO BE INSPECTED AFTER EACH STORM AND REPAIRS MADE AS NEEDED.
 - SEDIMENT SHALL BE REMOVED AND SEDIMENT TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO A DEPTH OF 1' FOOT.
 - SEDIMENT REMOVED FROM TRAP SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
 - RILLS AND GULLIES MUST BE REPAIRED.
- GRAVEL BAG INLET PROTECTION SHALL BE CLEANED OUT WHENEVER SEDIMENT DEPTH IS ONE HALF THE HEIGHT OF ONE GRAVEL BAG.
- STRAW ROLLS SHALL BE PERIODICALLY CHECKED TO ASSURE PROPER FUNCTION AND CLEANED OUT WHENEVER THE SEDIMENT DEPTH REACHED HALF THE HEIGHT OF THE ROLL.
- SILT FENCE SHALL BE PERIODICALLY CHECKED TO ASSURE PROPER FUNCTION AND CLEANED OUT WHENEVER THE SEDIMENT DEPTH REACHES ONE FOOT IN HEIGHT.
- CONSTRUCTION ENTRANCE SHALL BE REGRAVELED AS NECESSARY FOLLOWING SILT/SOIL BUILDUP.
- ANY OTHER EROSION CONTROL MEASURES SHOULD BE CHECKED AT REGULAR INTERVALS TO ASSURE PROPER FUNCTION



EROSION CONTROL LEGEND

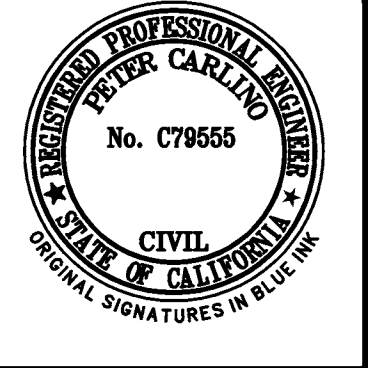


4	CITY COMMENTS	-
3	5-11-15	RB
2	PLANNING LETTER	RB
1	2-17-15	RB
	PLANNING LETTER	RB
	9-10-14	TB
	PLAN REV	TB
	7-30-14	TB
	REVISIONS	BY

JOB NO:	2140175
DATE:	5-19-15
SCALE:	1" = 30'
DESIGN BY:	BS, RB
DRAWN BY:	TB
SHEET NO:	

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16 OF 19 SHEETS

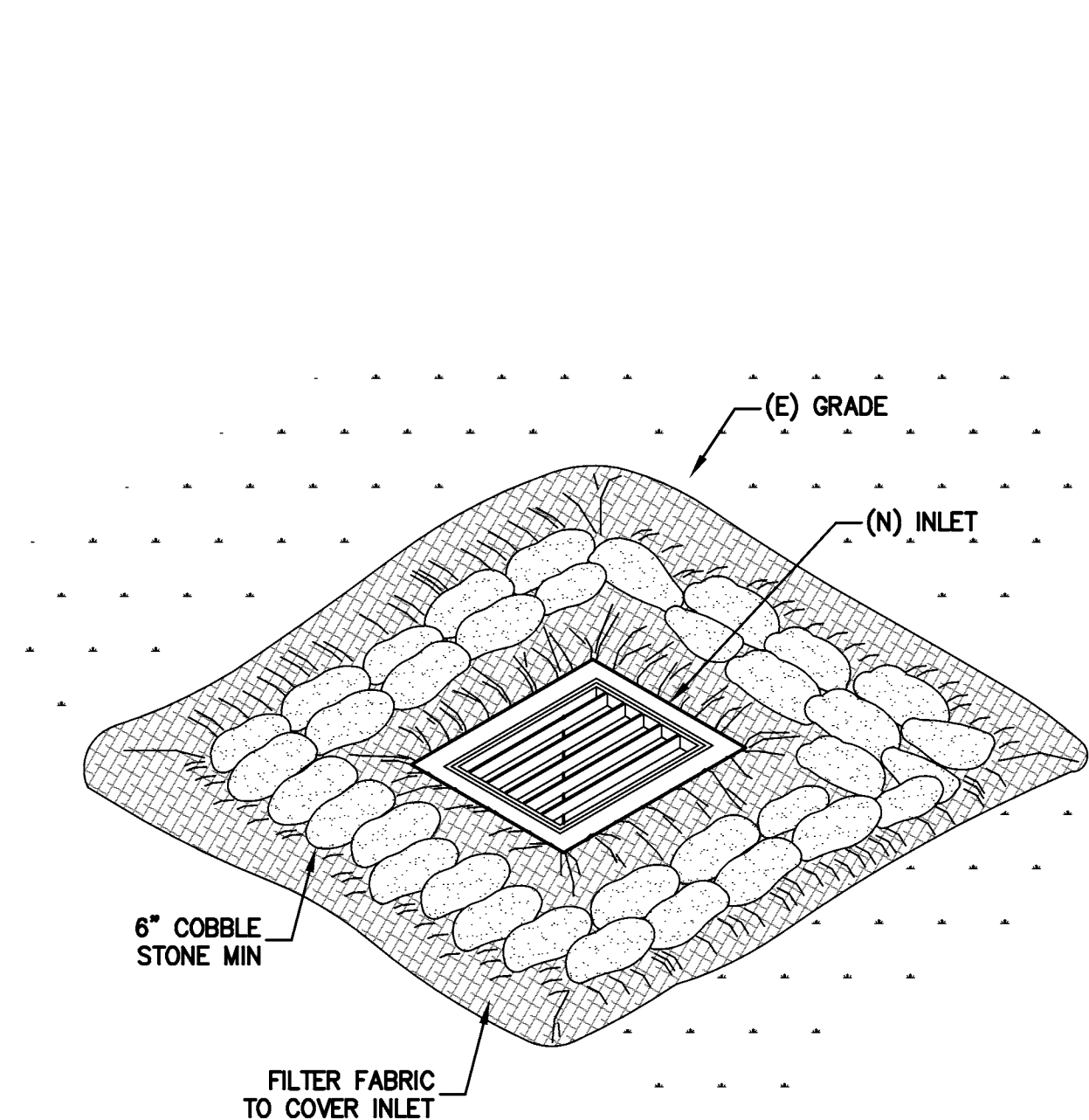
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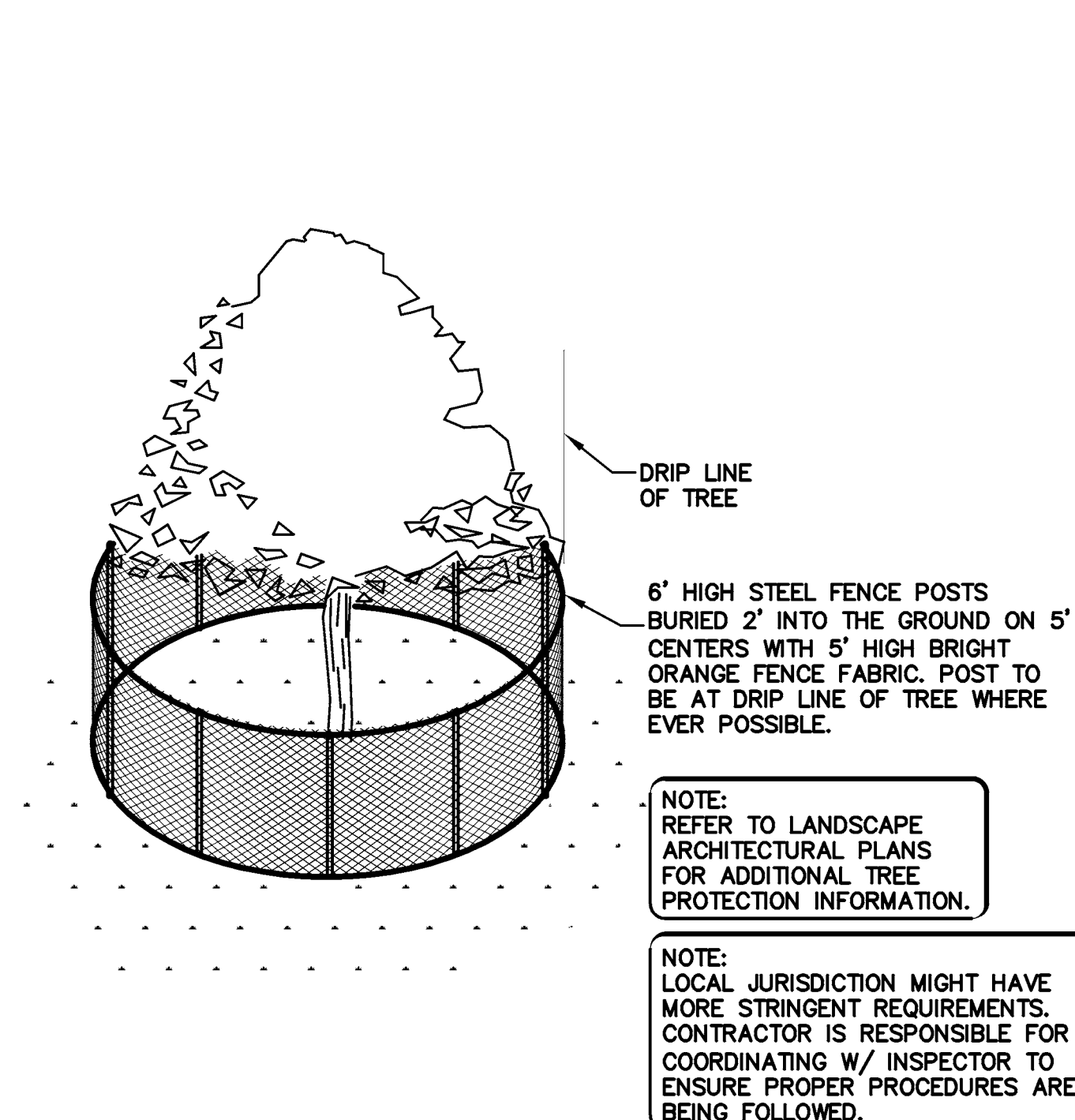
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MILPITAS, CALIFORNIA
APN: 029-03-014
SANTA CLARA COUNTY

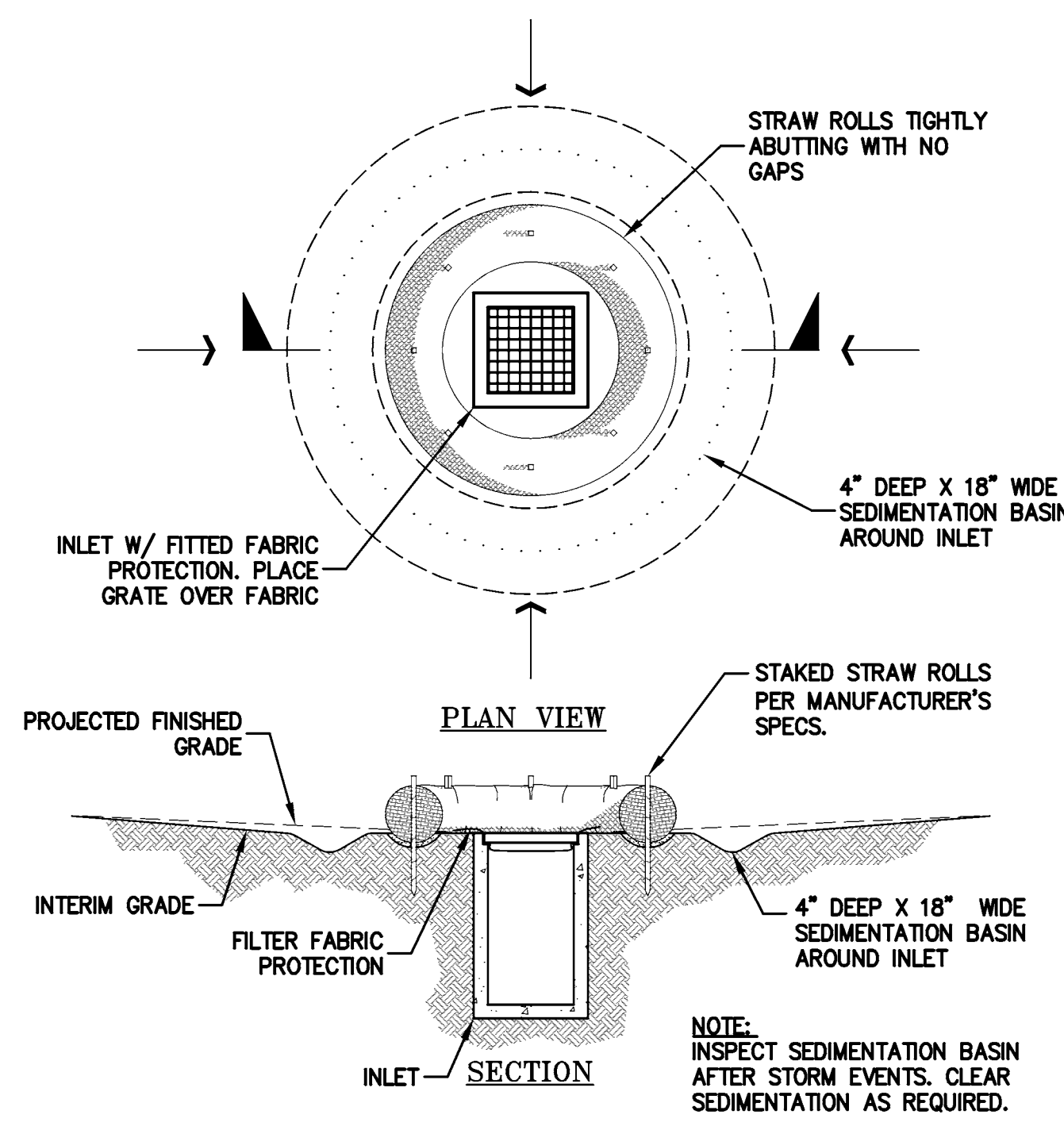
EROSION CONTROL
PLAN



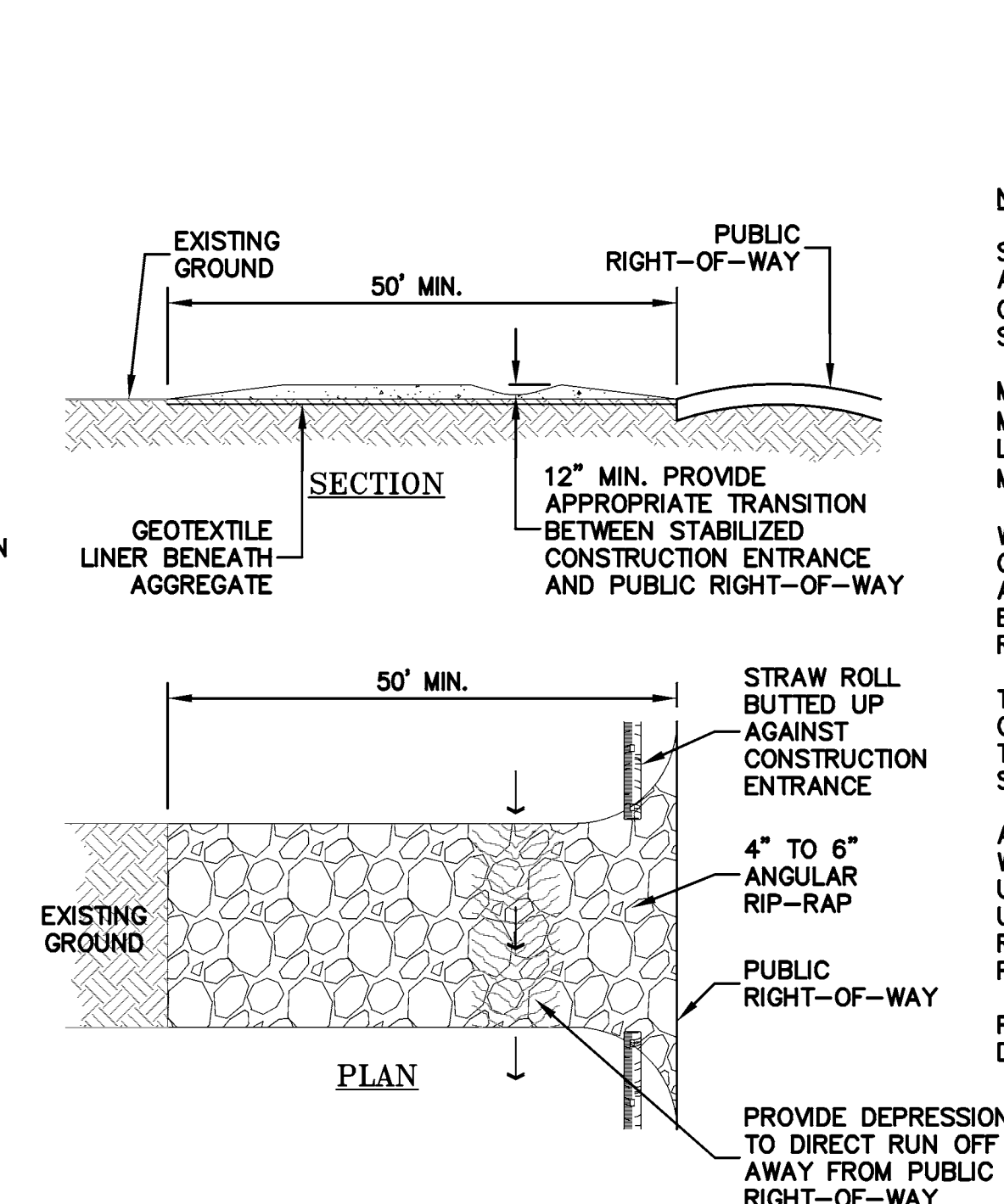
1 INLET PROTECTION
ER-2 NTS



2 EXISTING TREE PROTECTION DETAIL
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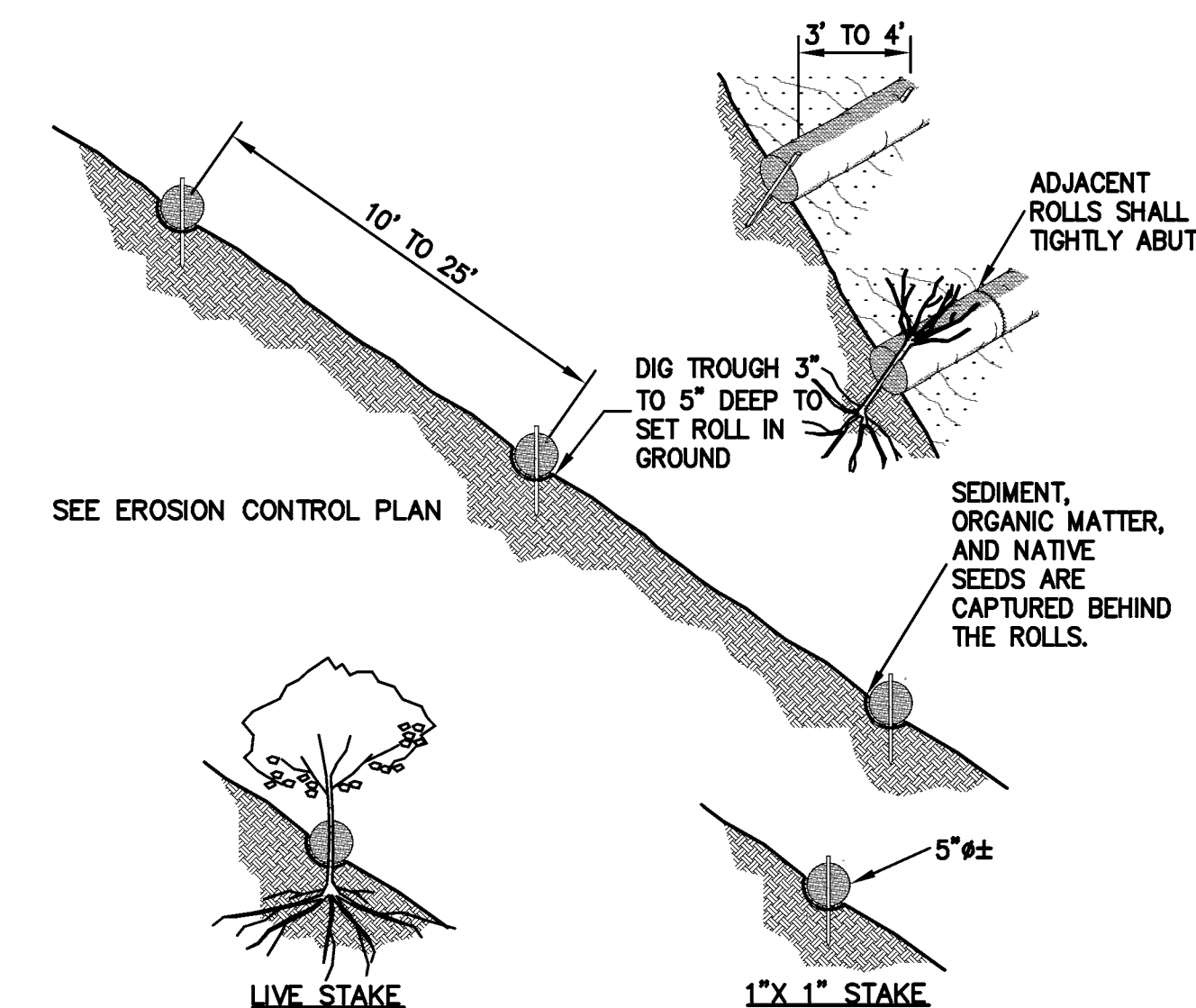


3 SEDIMENTATION BASIN
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4 CONSTRUCTION ENTRANCE
ER-2 NTS

NOTES:
STABILIZED CONSTRUCTION SITE ACCESS SHALL BE CONSTRUCTED OF 3" TO 4" WASHED, FRACTURED STONE AGGREGATE.
MATERIAL SHALL BE PLACED TO A MINIMUM THICKNESS OF 12". LENGTH OF ENTRANCE SHALL BE A MINIMUM OF 50'.
WIDTH SHALL BE A MIN. OF 15' OR GREATER IF NECESSARY TO COVER ALL VEHICULAR INGRESS AND EGRESS. PROVIDE AMPLE TURNING RADIUS.
THE ENTRANCE SHALL BE KEPT IN GOOD CONDITION BY OCCASIONAL TOP DRESSING WITH MATERIAL AS SPECIFIED IN ABOVE NOTE.
ACCESSES SHALL BE INSPECTED WEEKLY DURING PERIODS OF HEAVY USAGE, MONTHLY DURING NORMAL USAGE, AND AFTER EACH RAINFALL, WITH MAINTENANCE PROVIDED AS NECESSARY.
PERIODIC TOP DRESSING SHALL BE DONE AS NEEDED.



NOTE:
1. STRAW ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3" TO 5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND ROLL.
2. CONTRACTOR IS RESPONSIBLE FOR REGULAR MAINTENANCE AND INSPECTION. THE SILT SHALL BE CLEANED OUT WHEN IT REACHES HALF THE HEIGHT OF THE ROLL.

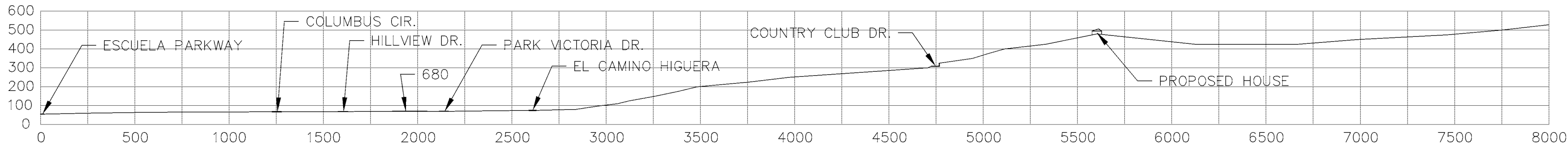
5 STRAW ROLLS
ER-2 NTS

4	CITY COMMENTS	RB
3	PLANNING LETTER	RB
2	PLANNING LETTER	RB
1	PLAN REV	TB
	REVISIONS	BY

JOB NO: 2140175
DATE: 5-19-15
SCALE: NTS
DESIGN BY: BS, RB
DRAWN BY: TB
SHEET NO:

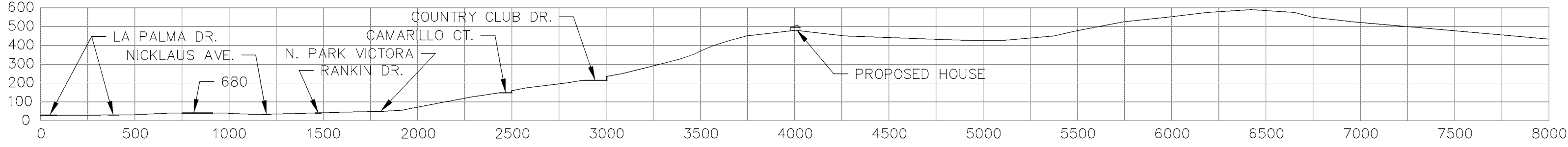
ER-2
17 OF 19 SHEETS

100% DESIGN DEVELOPMENT



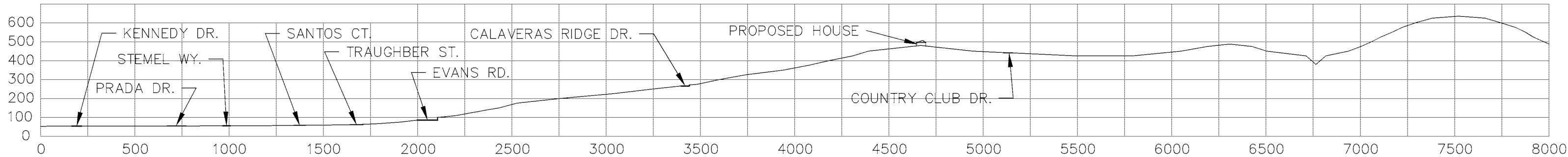
SECTION FROM VIEW POINT 3 TOWARD SITE

SCALE
HORIZONTAL: 1" = 500'
VERTICAL: 1" = 500'



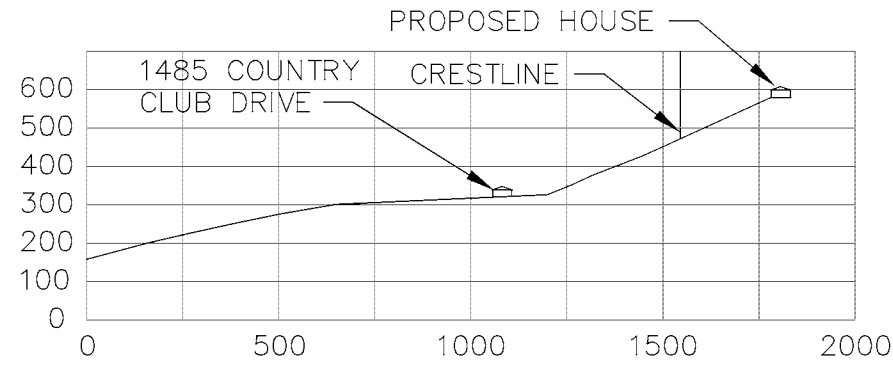
SECTION FROM VIEW POINT 4 TOWARD SITE

SCALE
HORIZONTAL: 1" = 500'
VERTICAL: 1" = 500'



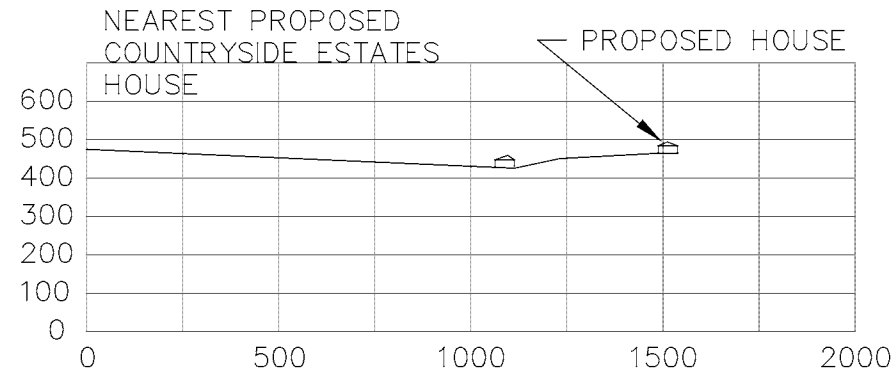
SECTION FROM VIEW POINT 5 TOWARD SITE

SCALE
HORIZONTAL: 1" = 500'
VERTICAL: 1" = 500'



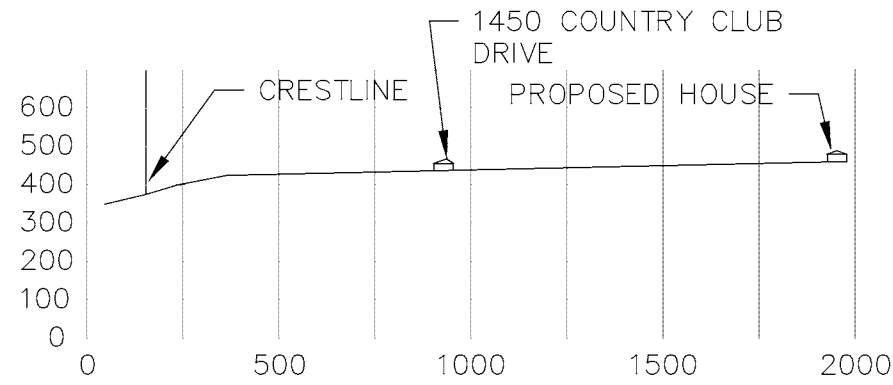
SECTION FROM VIEW POINT 6 TOWARD SITE

SCALE
HORIZONTAL: 1" = 500'
VERTICAL: 1" = 500'



SECTION FROM VIEW POINT 7 TOWARD SITE

SCALE
HORIZONTAL: 1" = 500'
VERTICAL: 1" = 500'



SECTION FROM VIEW POINT 8 TOWARD SITE

SCALE
HORIZONTAL: 1" = 500'
VERTICAL: 1" = 500'



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1000 COUNTRY CLUB DR.
MILPITAS, CALIFORNIA
SANTA CLARA COUNTY
APN: 029-03-014

VIEW POINT
SECTIONS

4	CITY COMMENTS	RB
3	5-11-15	RB
2	PLANNING LETTER	RB
1	2-17-15	RB
	PLANNING LETTER	RB
	9-10-14	RB
	PLAN REV	TB
	7-30-14	BY
	REVISIONS	

JOB NO: 2140175
DATE: 5-19-15
SCALE: 1" = 500'
DESIGN BY: BS, RB
DRAWN BY: TB
SHEET NO:

EX2
OF 19 SHEETS

100% DESIGN DEVELOPMENT

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Description	
	SITE PLAN

TRUE NORTH Sheet 1 Of 1

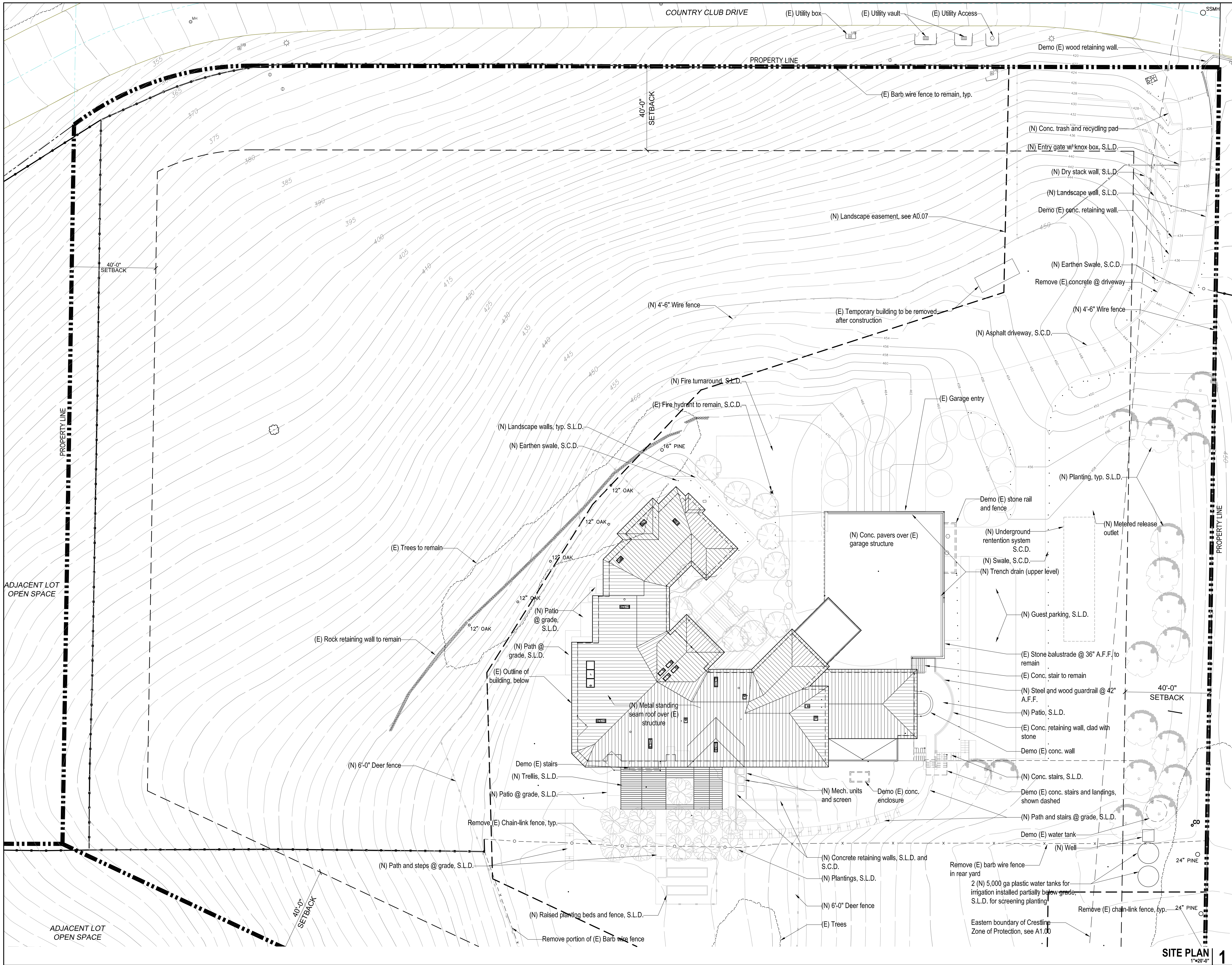
A1.00

Scale
0' 1' 2' 4' 8'

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SITE PLAN | 1
1" = 60'-0"



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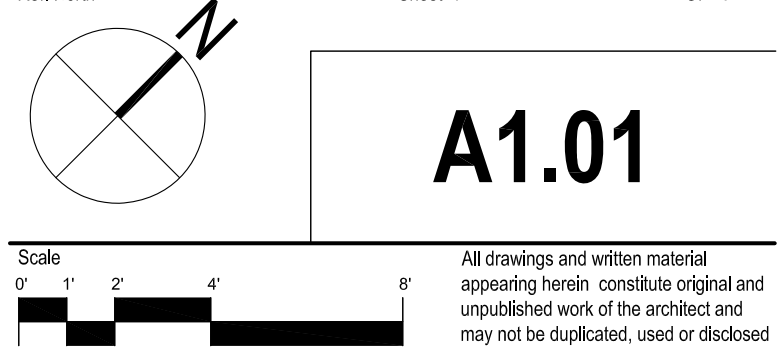
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05/19/15	Site Dev. Permit Amend. Rev. 2	MD	MT	

Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
ENLARGED SITE PLAN

Ref. North Sheet 1 Of 1



A1.01

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Project Name
1000 Country Club Drive Residence

Project Number
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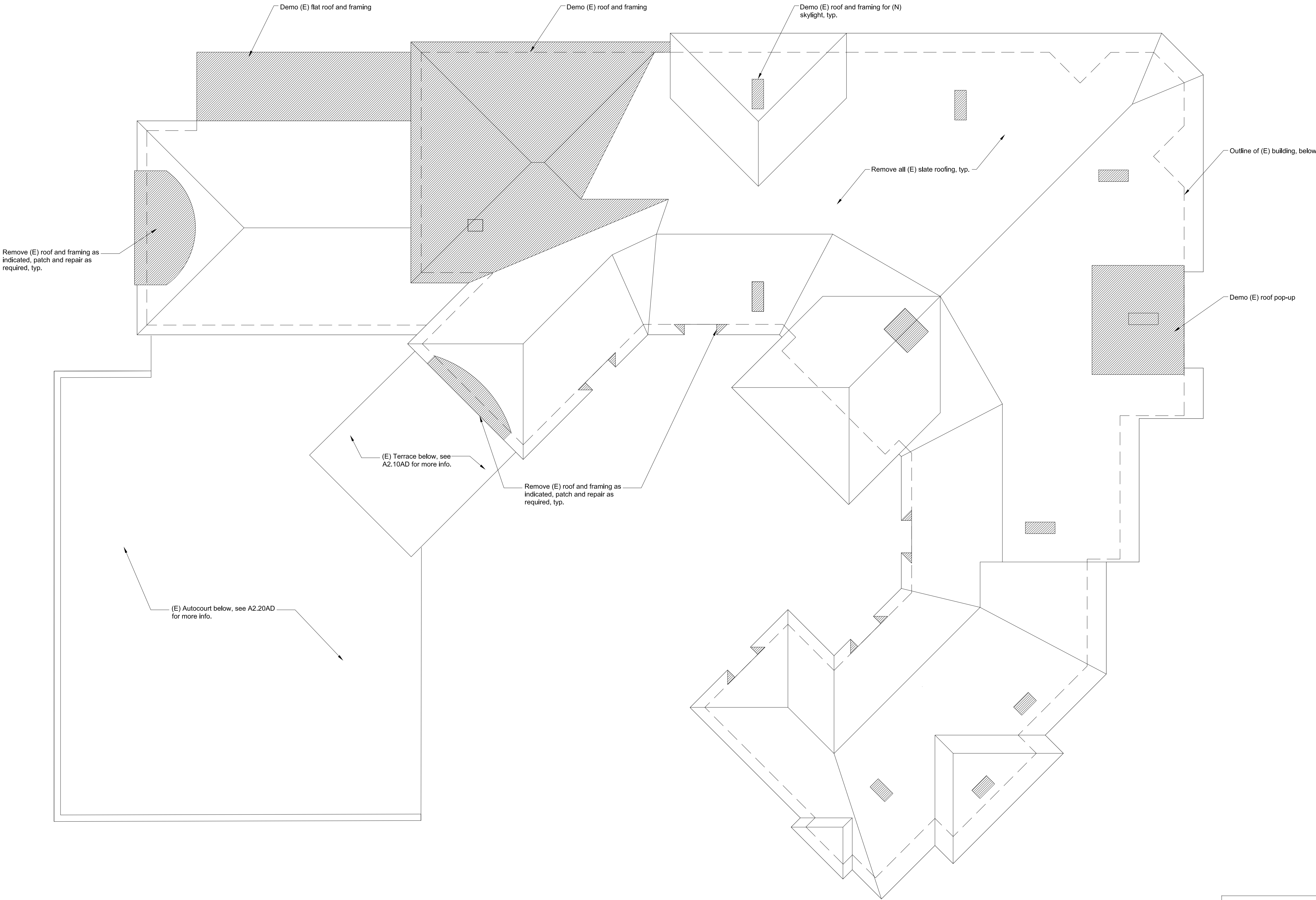
Description
DEMO ROOF PLAN

Ref. North
Sheet 1
Of 1

A2.00AD

Scale
0' 1' 2' 4' 8'

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Project Name
1000 Country Club Drive Residence

Project Number
23006

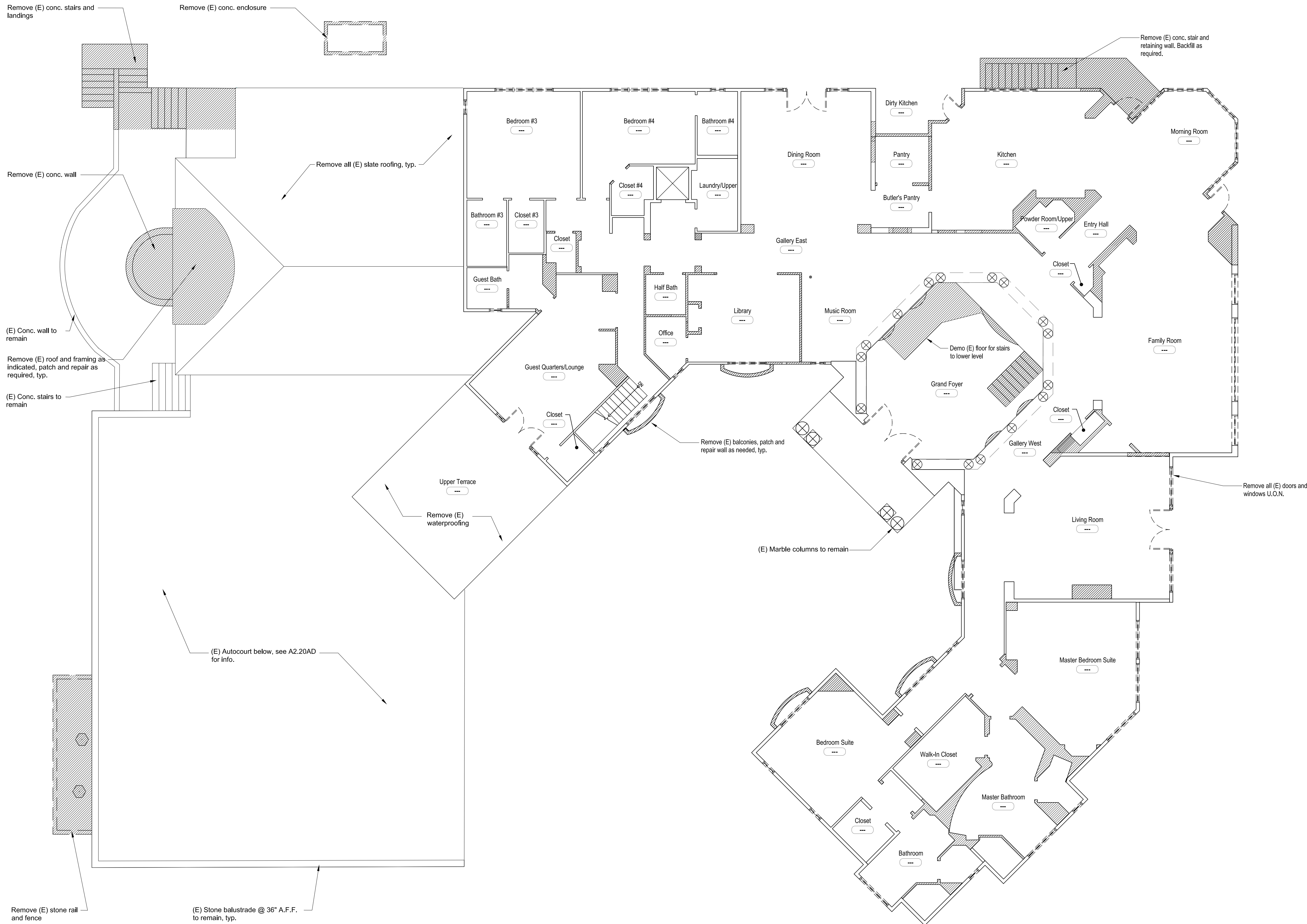
Description
DEMO FLOOR PLAN - MAIN LEVEL

Ref. North
Sheet 1
Of 1

A2.10AD

Scale
0' 1' 2' 4' 8'

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Legend
Areas to be demo'd

DEMO FLOOR PLAN - MAIN LEVEL
1/8" = 1'-0"

1

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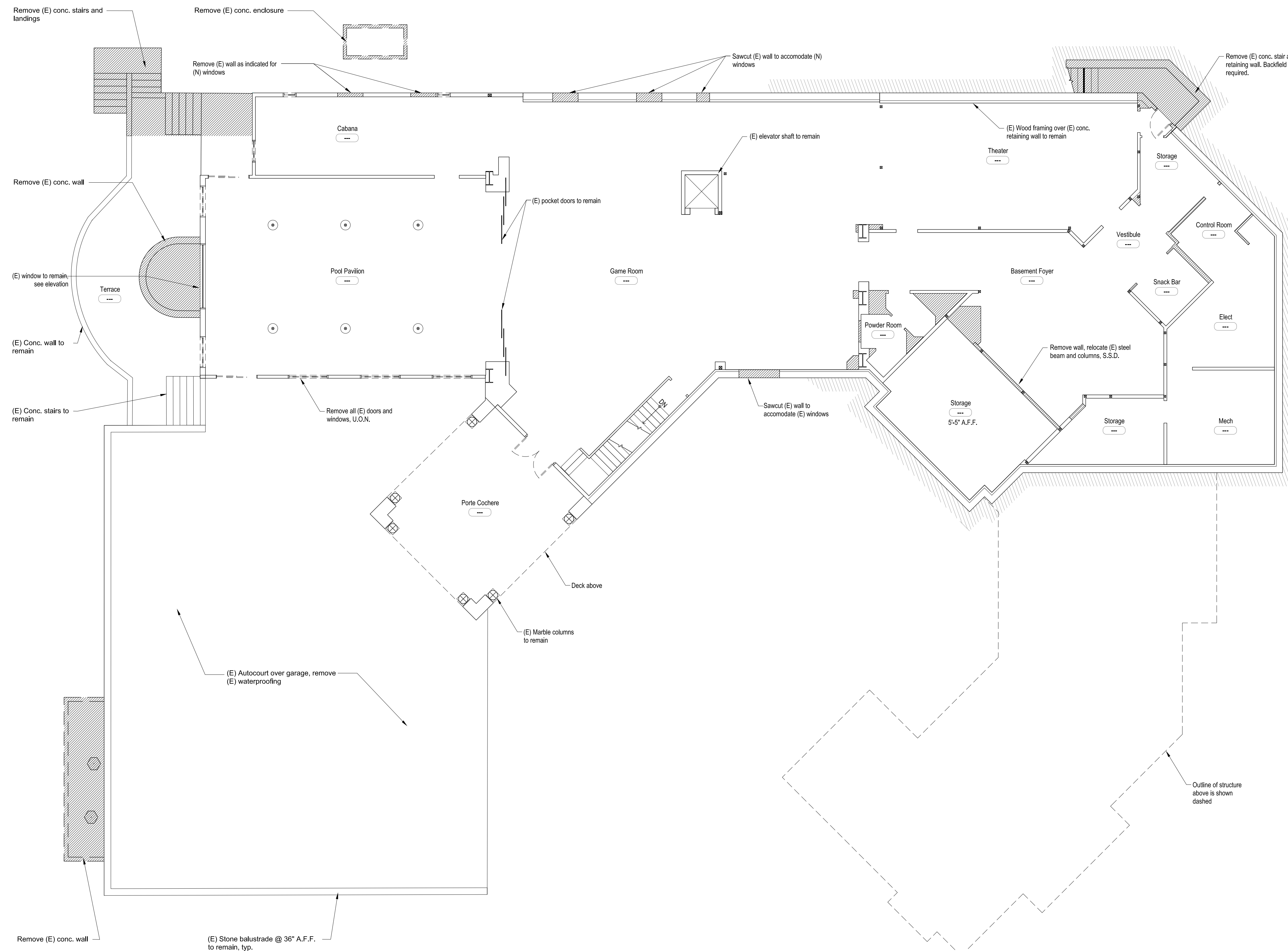
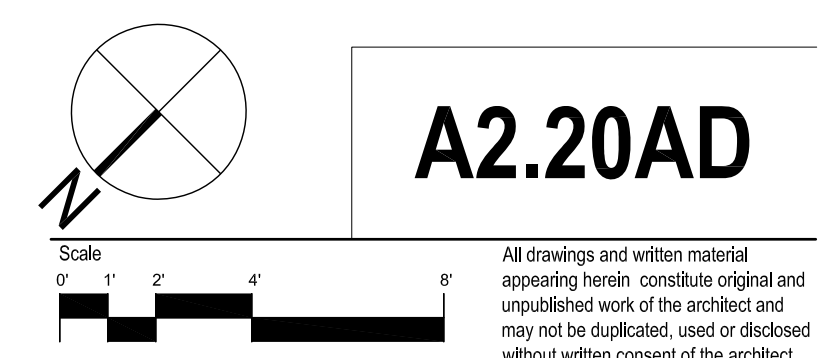
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Project Name	1000 Country Club Drive Residence
Project Number	23006

Description	DEMO FLOOR PLAN - LOWER LEVEL
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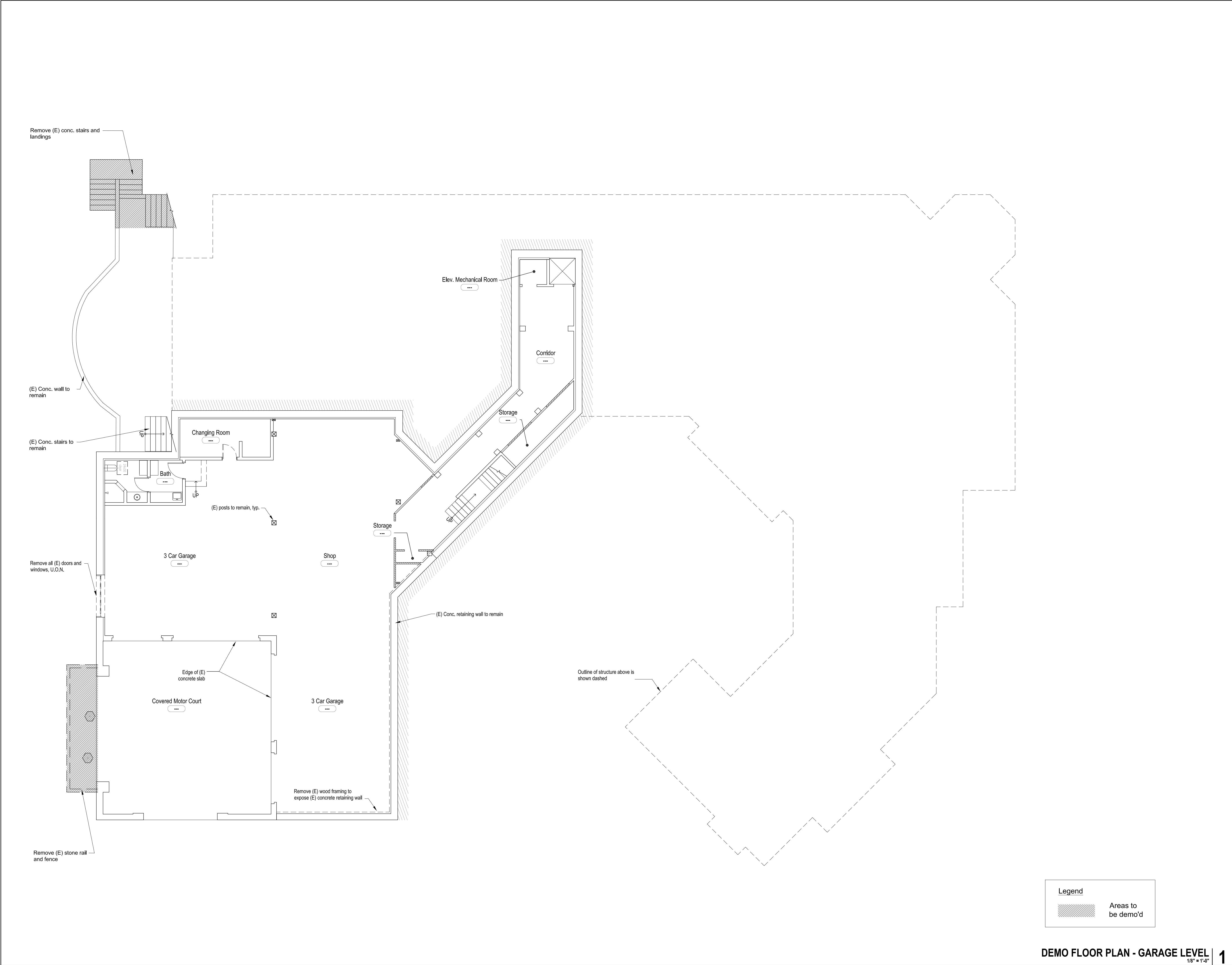
Ref. North	Sheet 1	Of 1
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Legend

 Areas to be demo'd

DEMO FLOOR PLAN - LOWER LEVEL | 1
1/8" = 1'-0"



PAN RESIDENCE

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Milpitas, CA

APN#: 029-03-014

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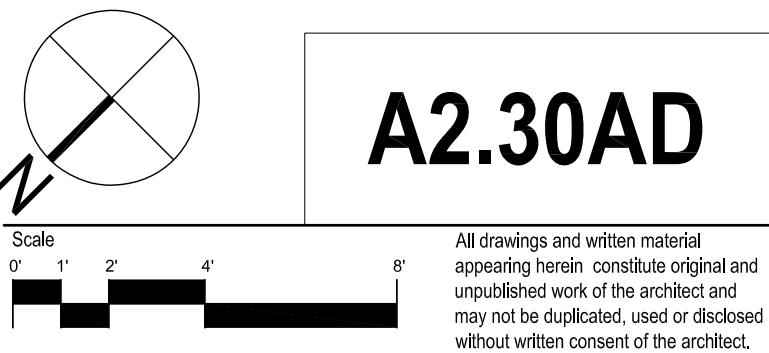
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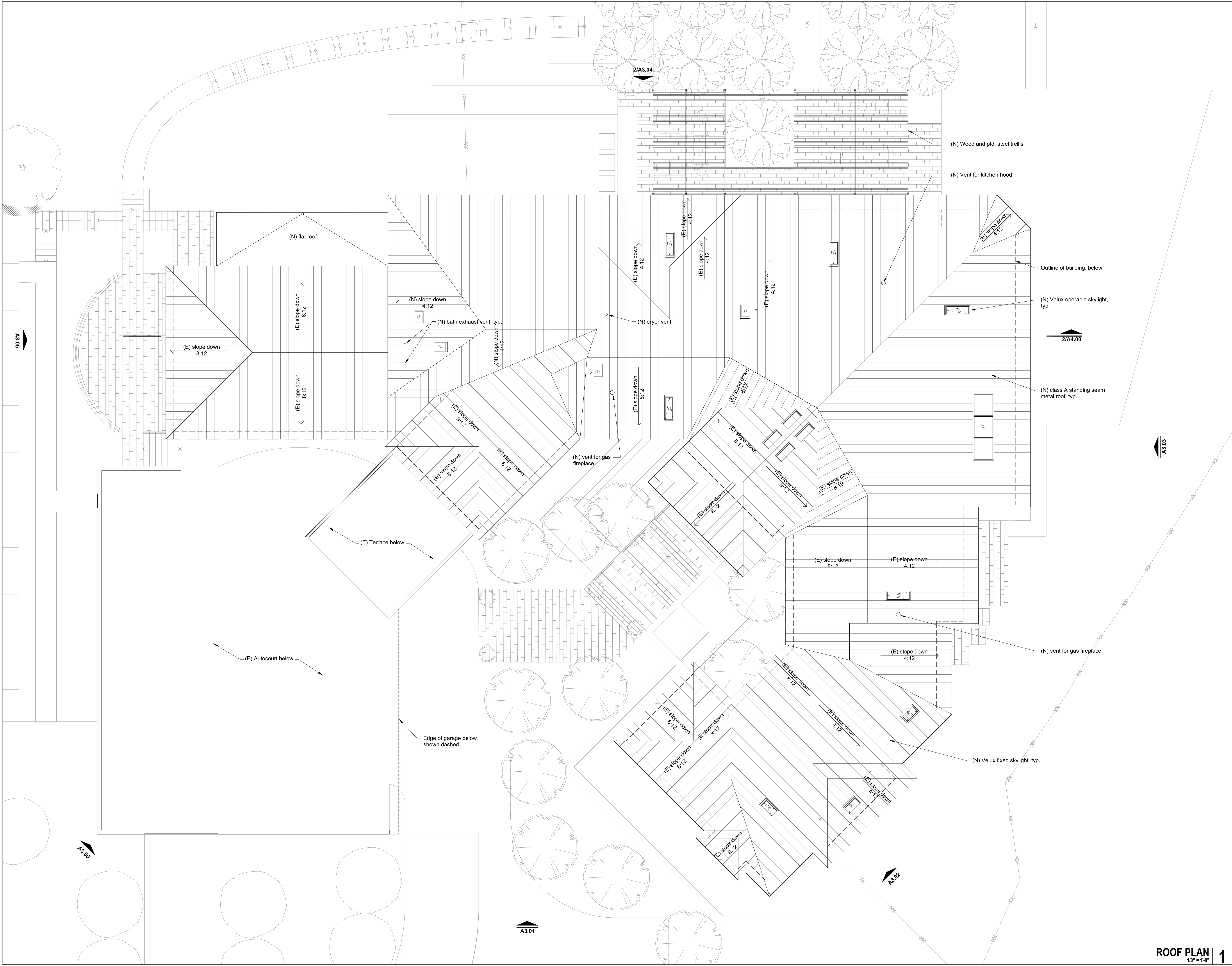
Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
DEMO FLOOR PLAN - GARAGE LEVEL

Ref. North Sheet 1 Of 1





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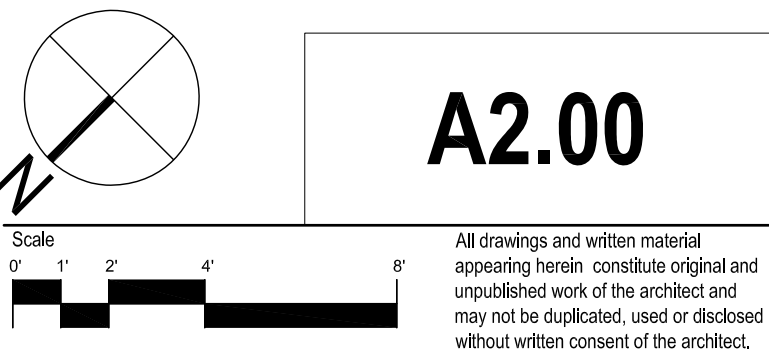
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Project Name
1000 Country Club Drive Residence

Project Number
23006

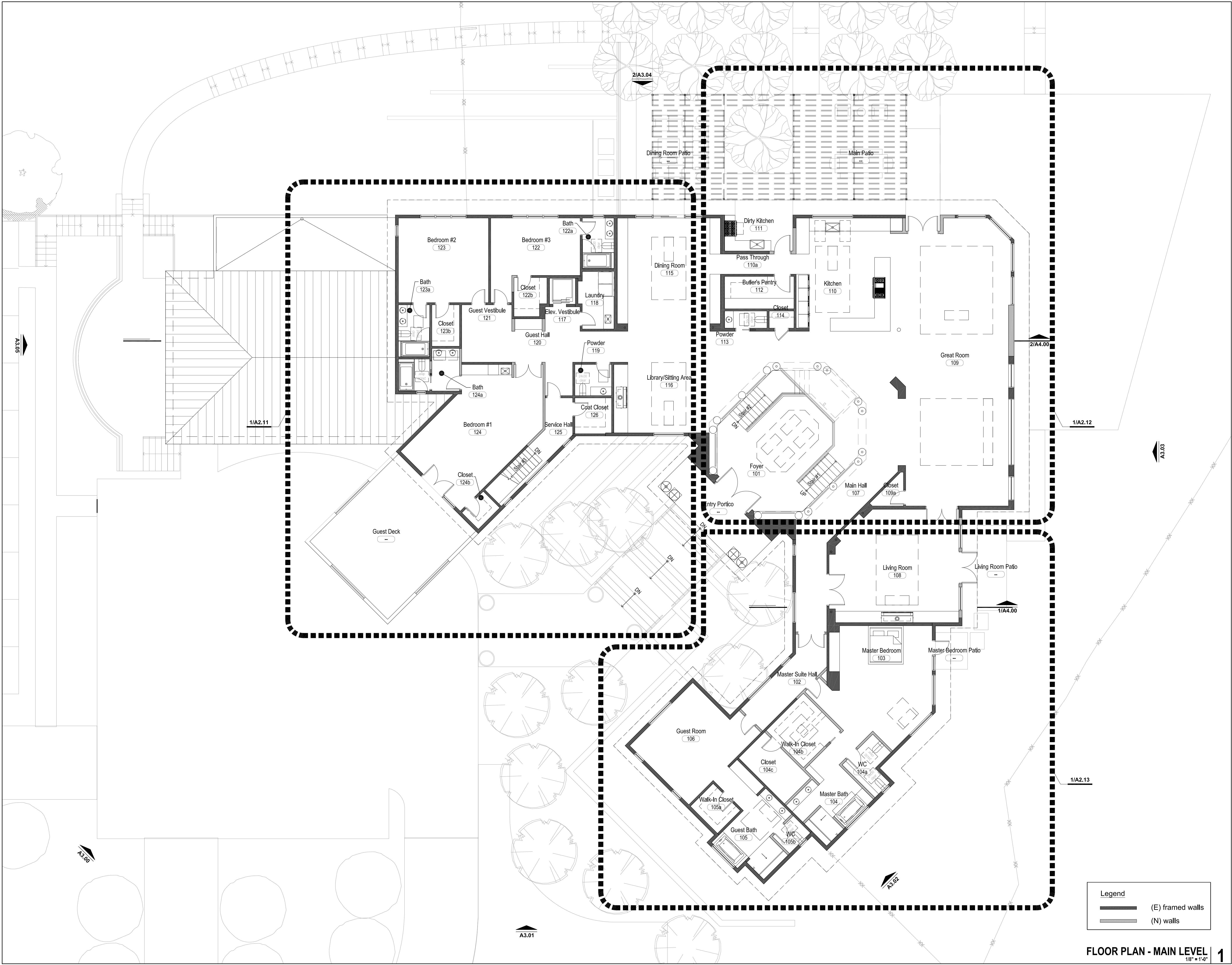
Description
ROOF PLAN

Ref. North
Sheet 1
Of 1



A2.00

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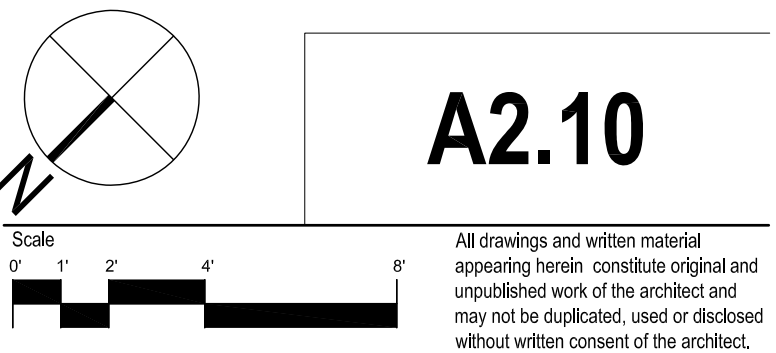
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Project Name 1000 Country Club Drive Residence
Project Number 23006

Description FLOOR PLAN - MAIN LEVEL

Ref. North Sheet 1 Of 1

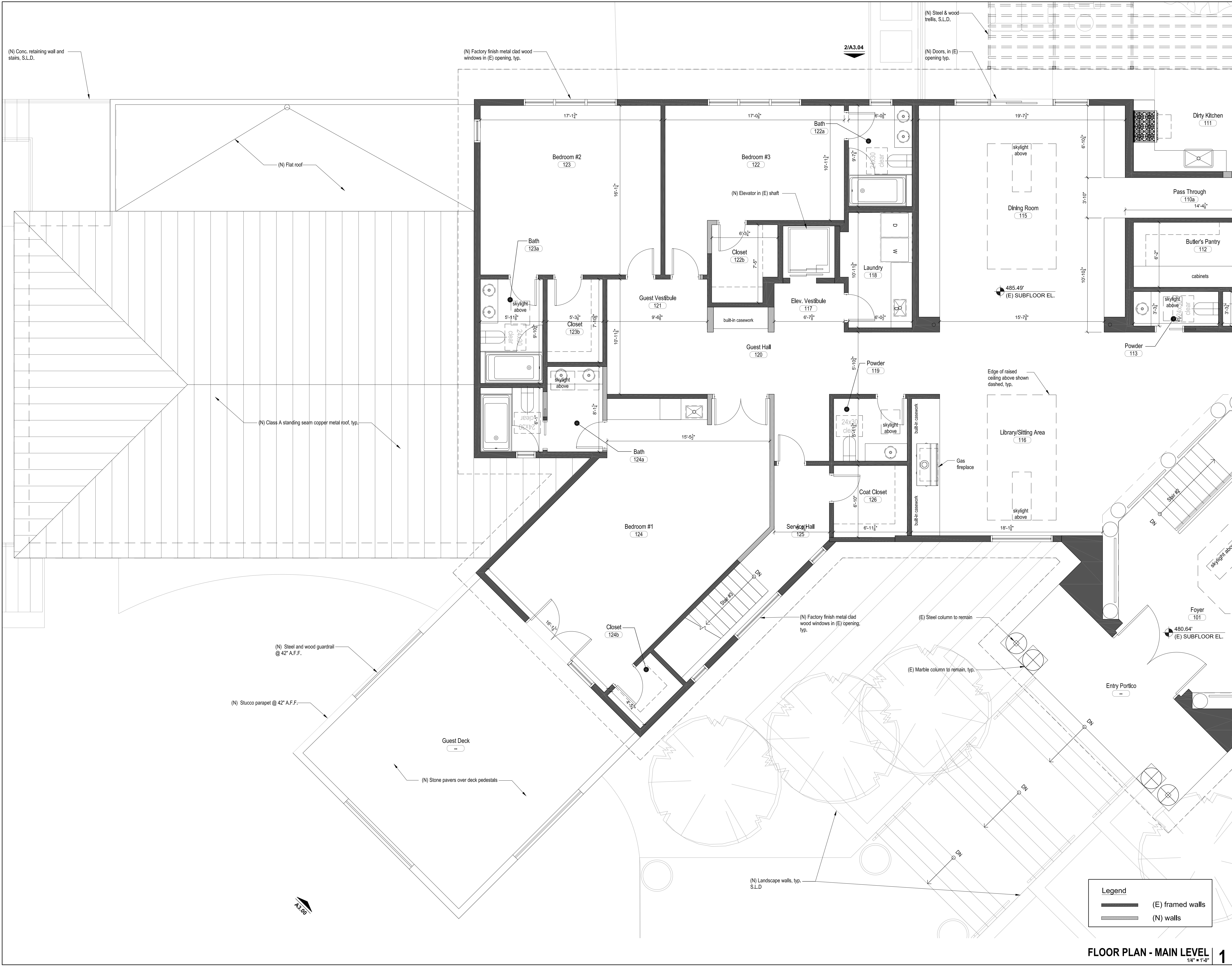


A2.10

Legend
— (E) framed walls
— (N) walls

FLOOR PLAN - MAIN LEVEL
1/8" = 1'-0"

1



PAN RESIDENCE

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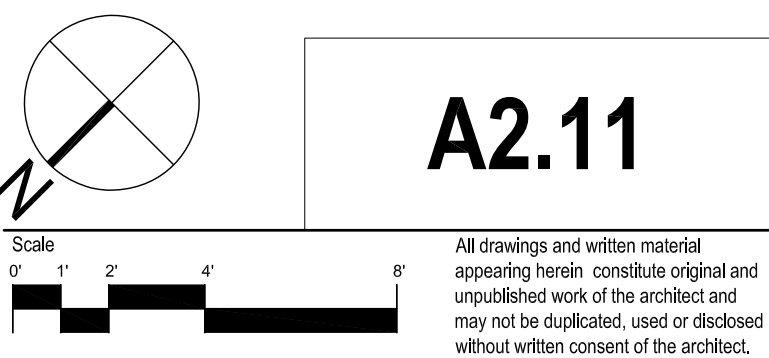
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Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
FLOOR PLAN - MAIN LEVEL

Ref. North Sheet 1 Of 1



FLOOR PLAN - MAIN LEVEL
1/4" = 1'-0"

1

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Project Name
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Project Number
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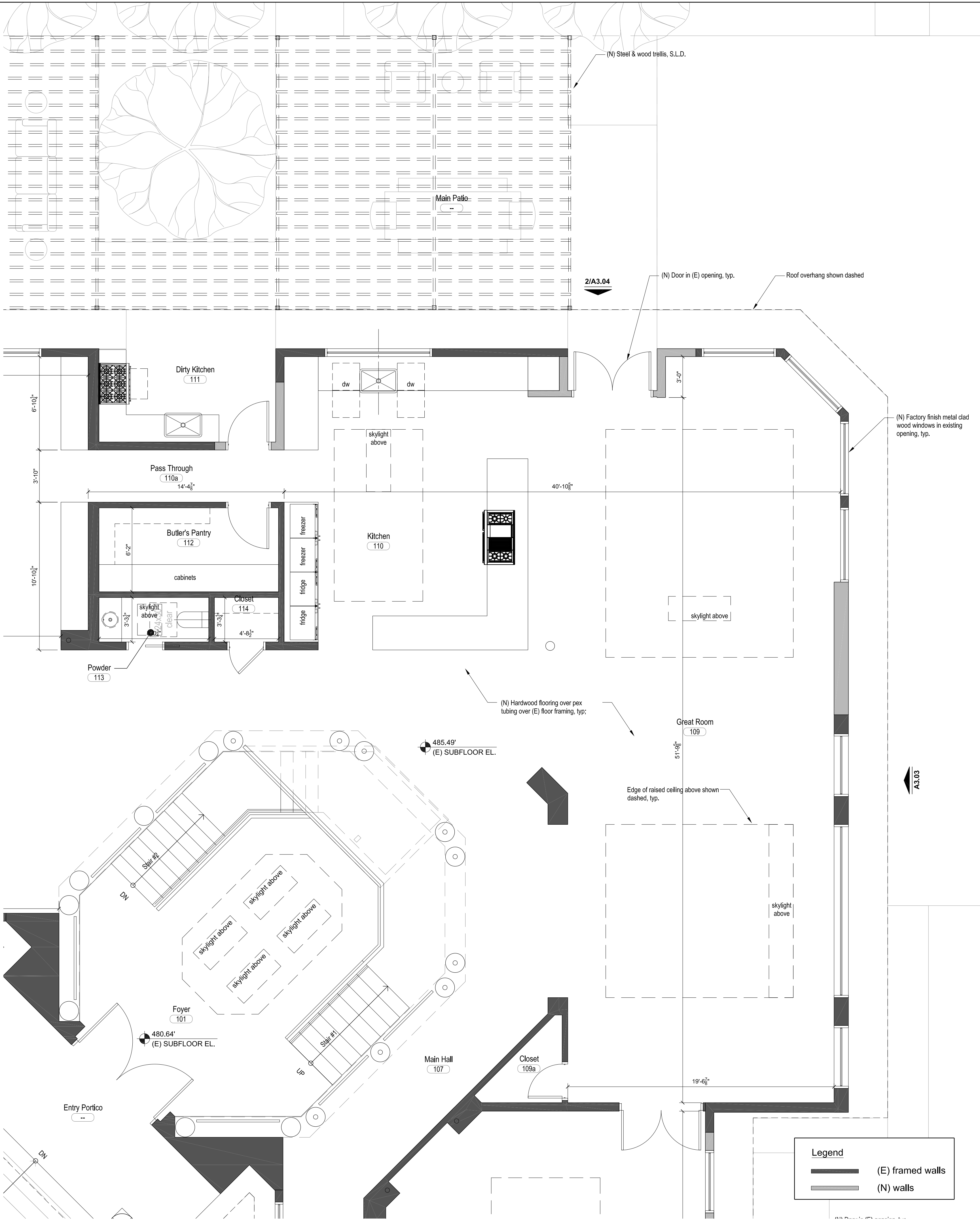
Description
FLOOR PLAN - MAIN LEVEL

Ref. North
Sheet 1
Of 1

Scale

A2.12

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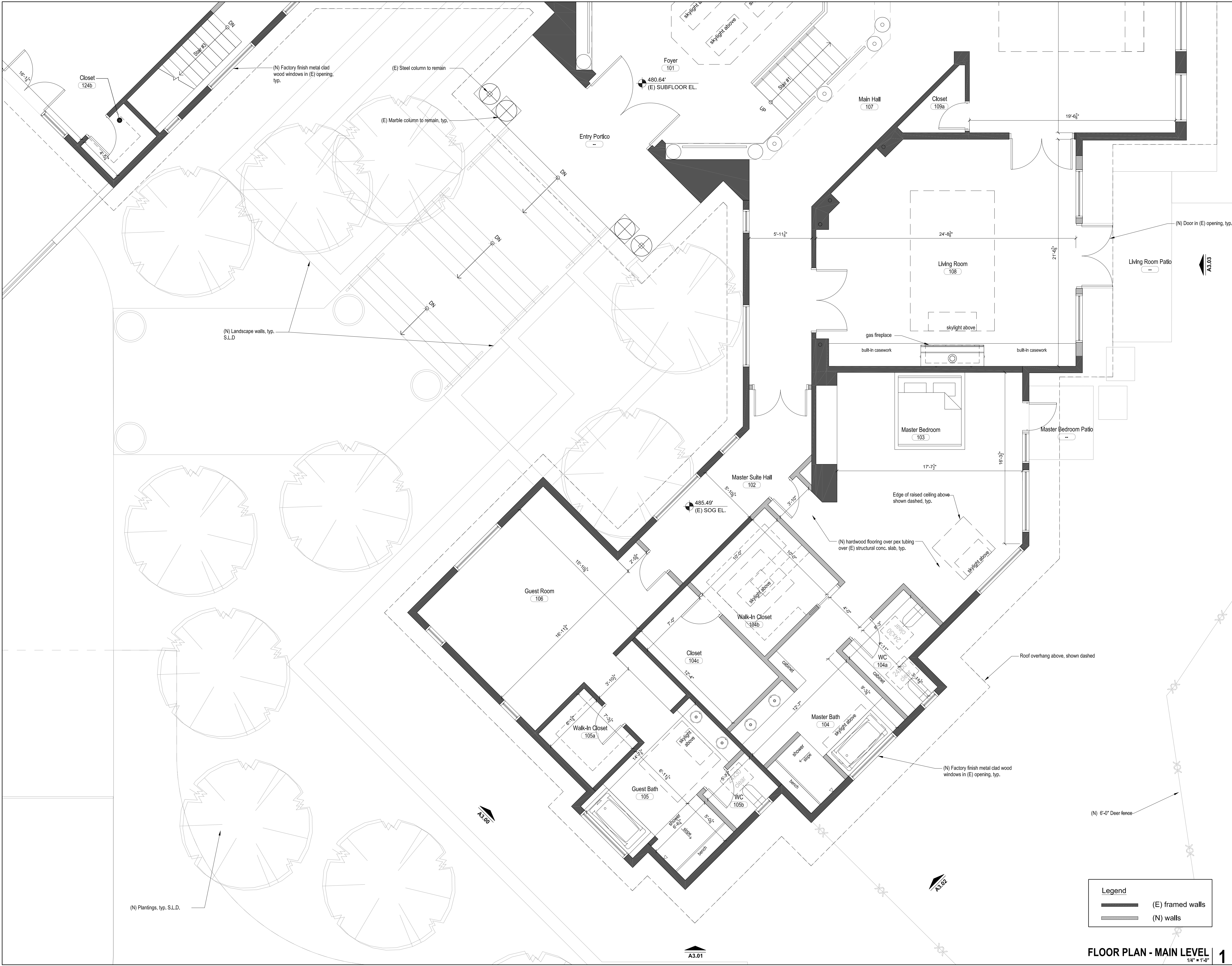
Legend

(E) framed walls

(N) walls

FLOOR PLAN - MAIN LEVEL
1/4" = 1'-0"

1



PAN RESIDENCE

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Milpitas, CA

APN#: 029-03-014

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Principal: Peter Pfaul
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06/23/14	Site Dev. Permit Amend.	MD	MT	
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05/19/15	Site Dev. Permit Amend. Rev. 2	MD	MT	

Project Name
1000 Country Club Drive Residence

Project Number
23006

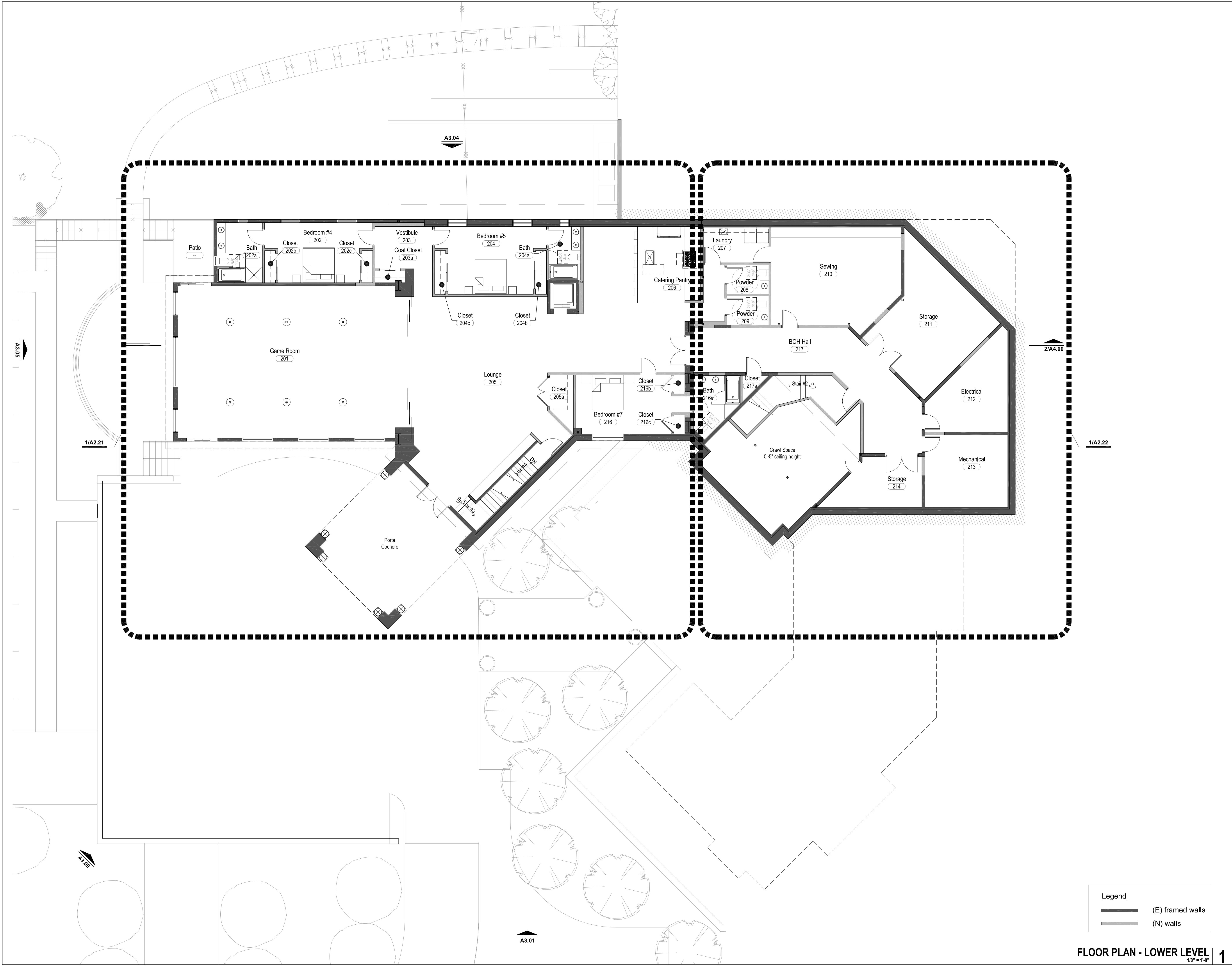
Description
FLOOR PLAN - MAIN LEVEL

Ref. North Sheet 1 Of 1

A2.13

Scale
0' 1' 2' 4' 8'

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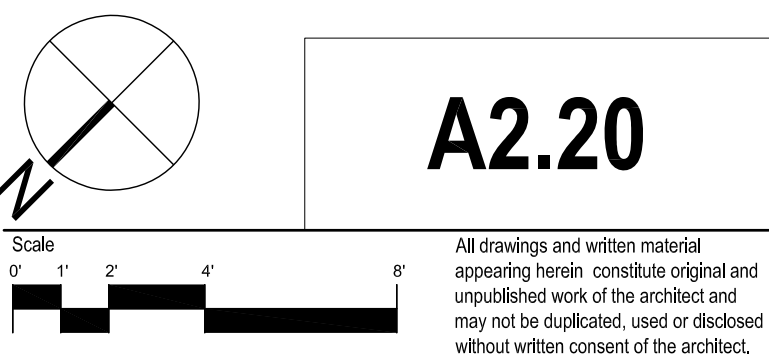
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Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
FLOOR PLAN - LOWER LEVEL

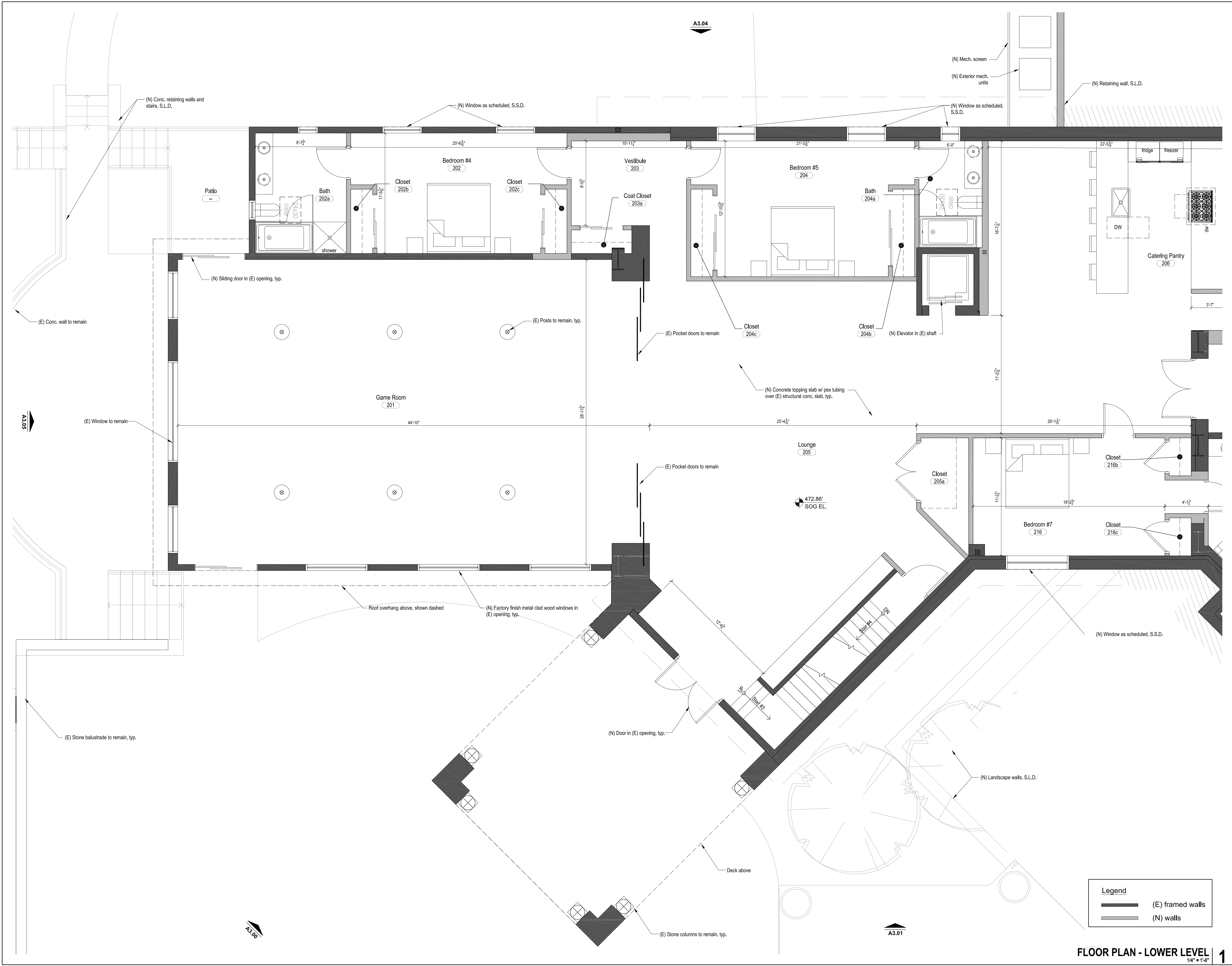
Ref. North Sheet 1 Of 1



Legend
— (E) framed walls
— (N) walls

FLOOR PLAN - LOWER LEVEL
1/8" = 1'-0"

1



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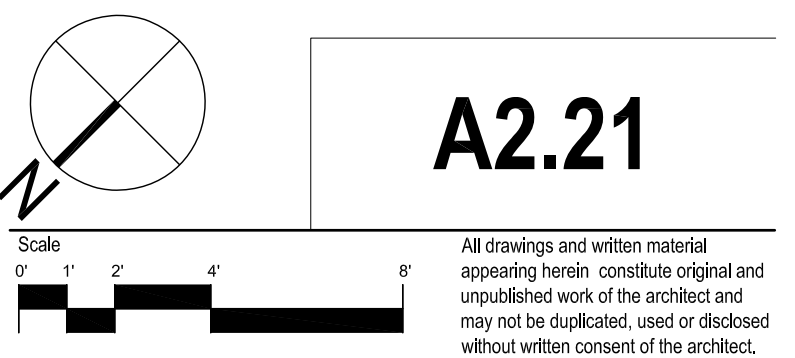
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1000 Country Club Drive Residence

Project Number
23006

Description
FLOOR PLAN - LOWER LEVEL

Ref. North Sheet 1 Of 1



A2.21

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FLOOR PLAN - LOWER LEVEL
1/4" = 1'-0"

1

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Project Name 1000 Country Club Drive Residence
Project Number 23006

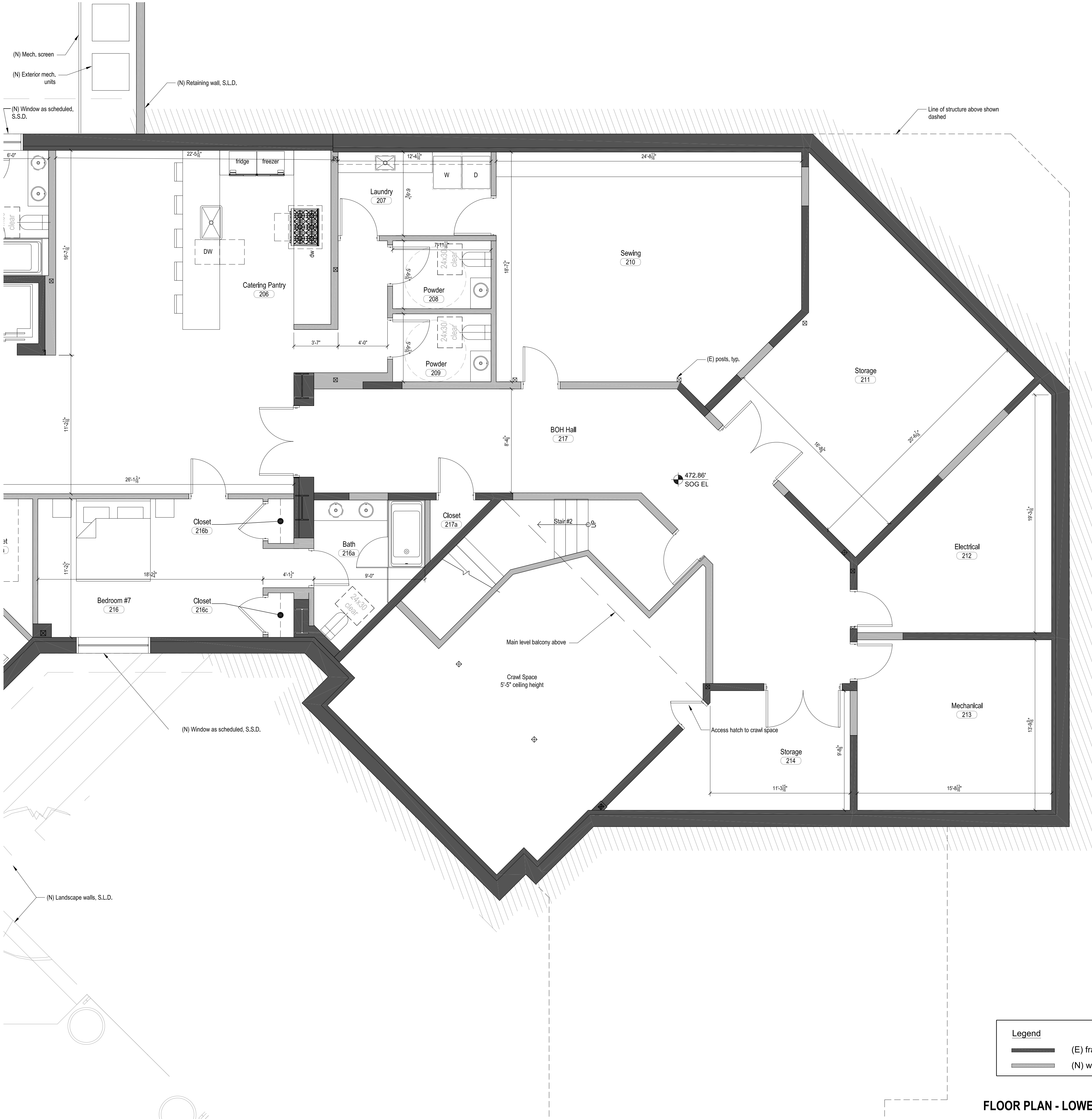
Description FLOOR PLAN - LOWER LEVEL

Ref. North Sheet 1 Of 1

A2.22

Scale
0' 1' 2' 4' 8'

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Legend

(E) framed walls

(N) walls

FLOOR PLAN - LOWER LEVEL 1
1/4" = 1'-0"

PAN RESIDENCE

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Project Name 1000 Country Club Drive Residence
Project Number 23006

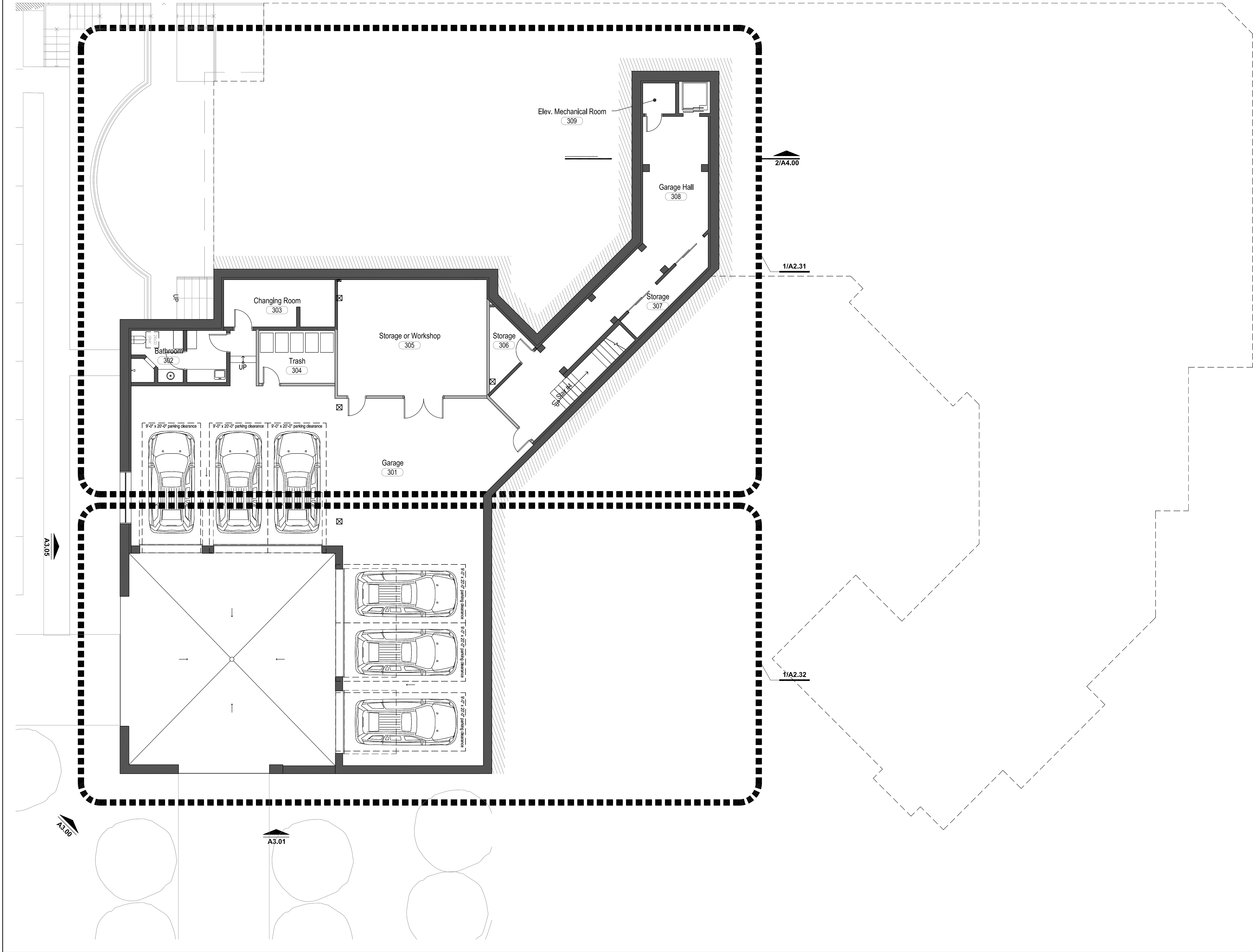
Description FLOOR PLAN - GARAGE LEVEL

Ref. North Sheet 1 Of 1

Scale
0' 1' 2' 4' 8'

A2.30

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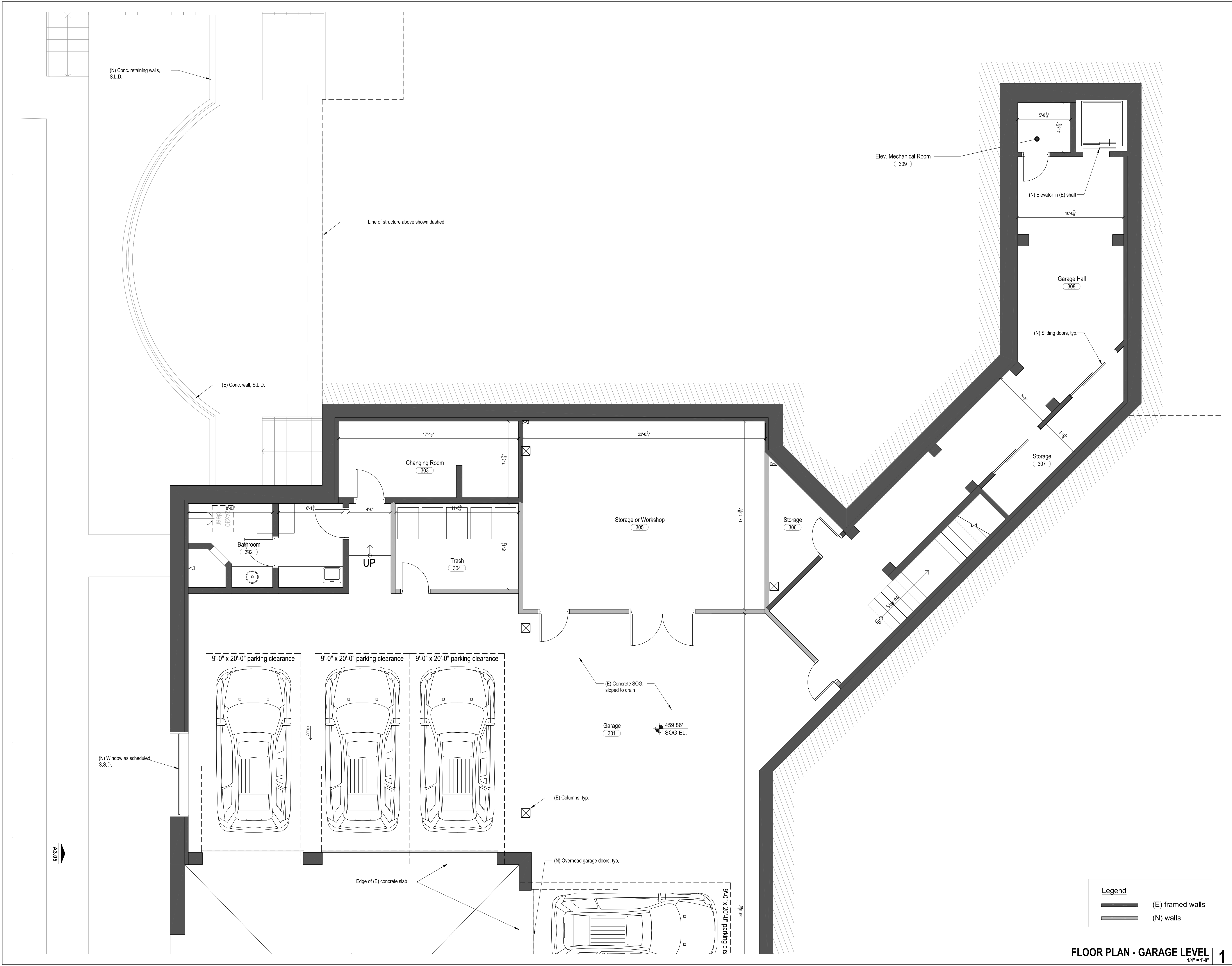


Legend

(E) framed walls

(N) walls

FLOOR PLAN - GARAGE LEVEL 1
1/8" = 1'-0"



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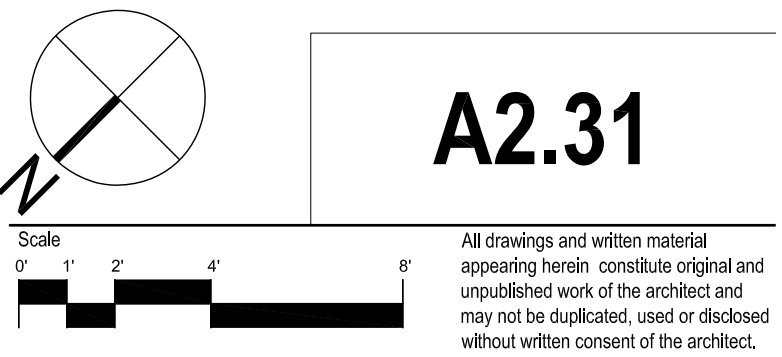
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Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
FLOOR PLAN - GARAGE LEVEL

Ref. North Sheet 1 Of 1



Waterproofing
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FLOOR PLAN - GARAGE LEVEL | 1
1/4" = 1'-0"

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Project Name
1000 Country Club Drive Residence

Project Number
23006

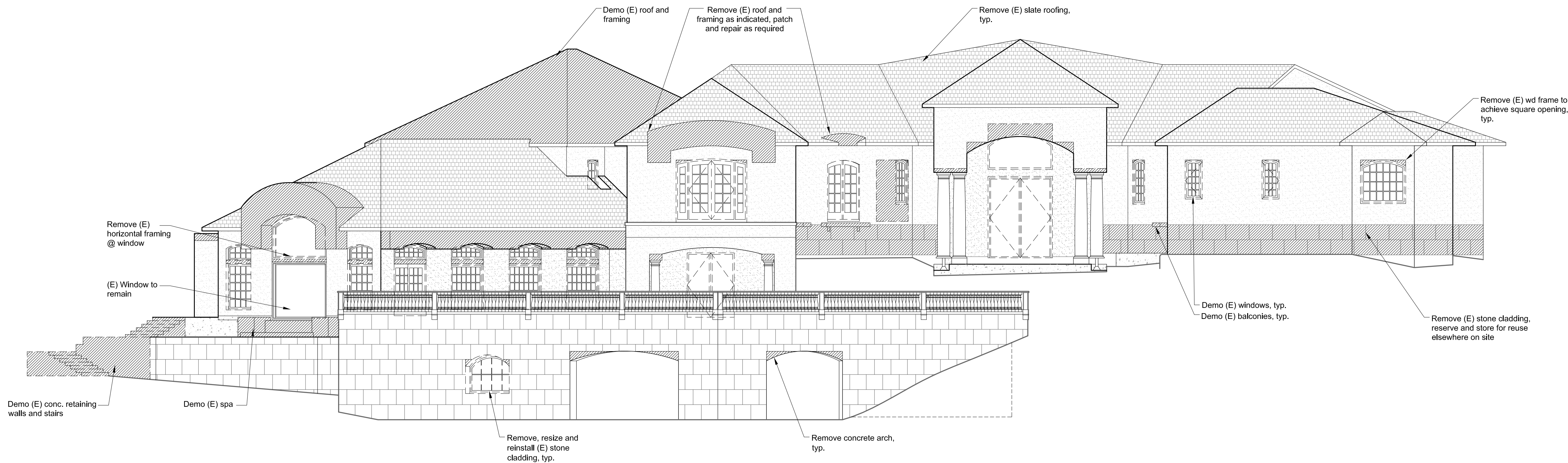
Description
ELEVATIONS

Ref. North
Sheet 1
Of 1

A3.00

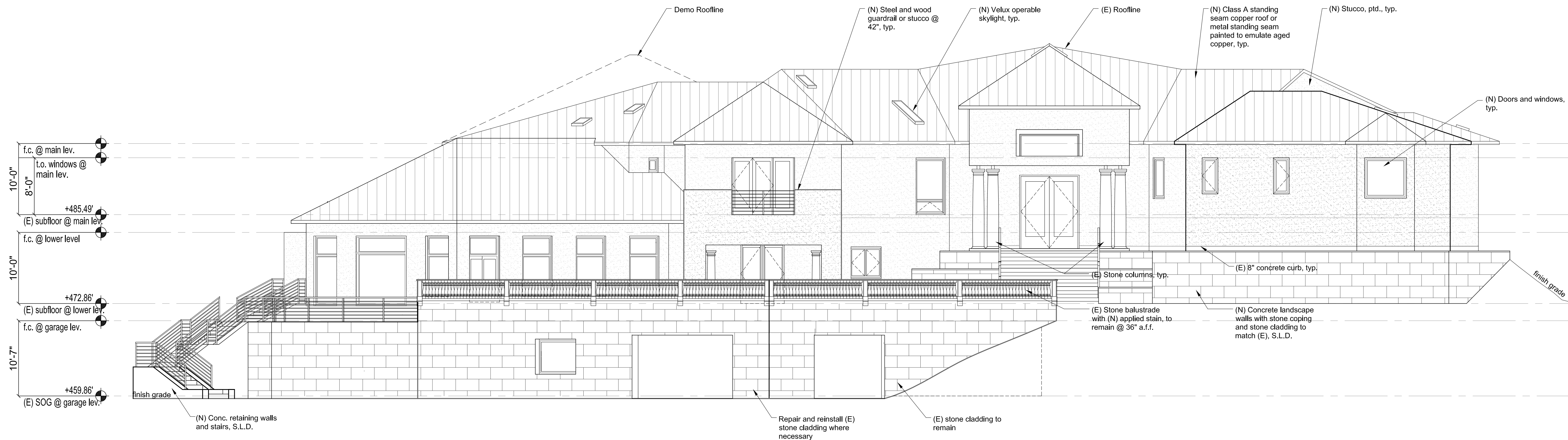
Scale
0' 1' 2' 4' 8'

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(E) ELEVATION - NORTH
1/8" = 1'-0"

2



(N) ELEVATION - NORTH
1/8" = 1'-0"

1

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Project Name
1000 Country Club Drive Residence

Project Number
23006

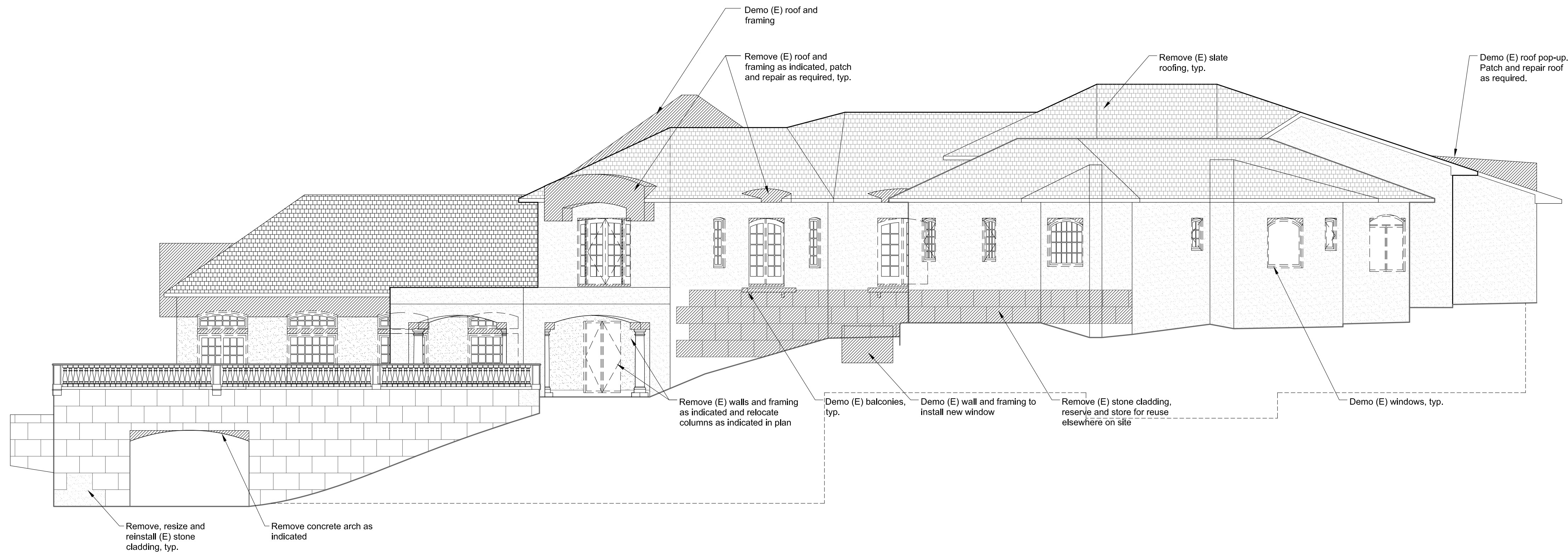
Description
ELEVATIONS

Ref. North
Sheet 1
Of 1

A3.01

Scale
0' 1' 2' 4' 8'

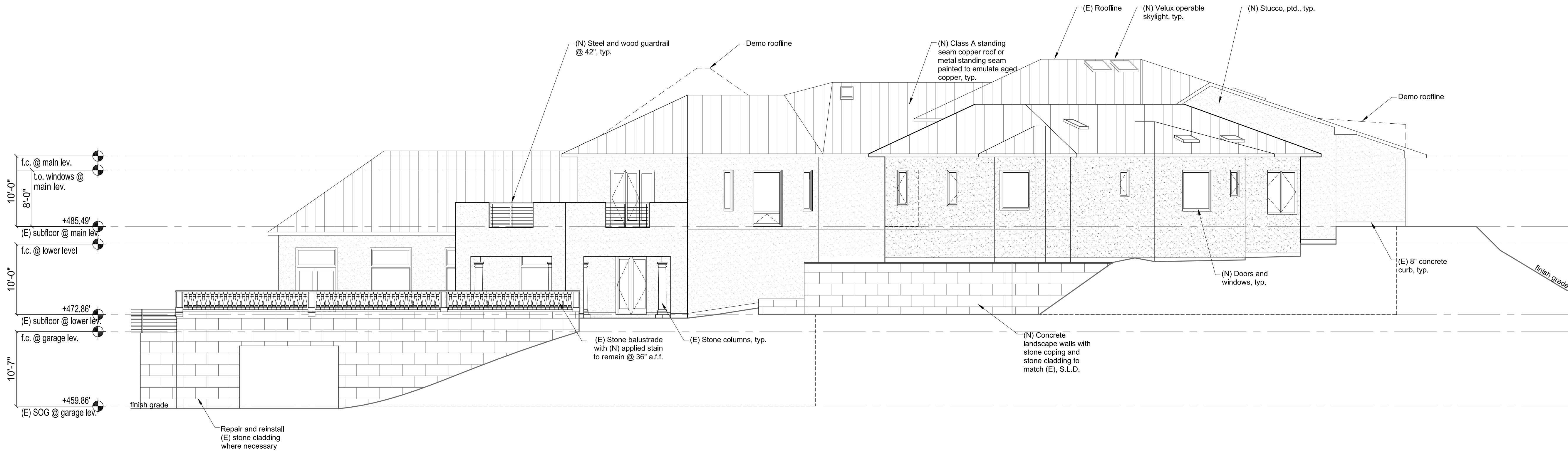
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(E) ELEVATION - NORTHEAST

1/8" = 1'-0"

2



(N) ELEVATION - NORTHEAST

1/8" = 1'-0"

1

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Project Name
1000 Country Club Drive Residence

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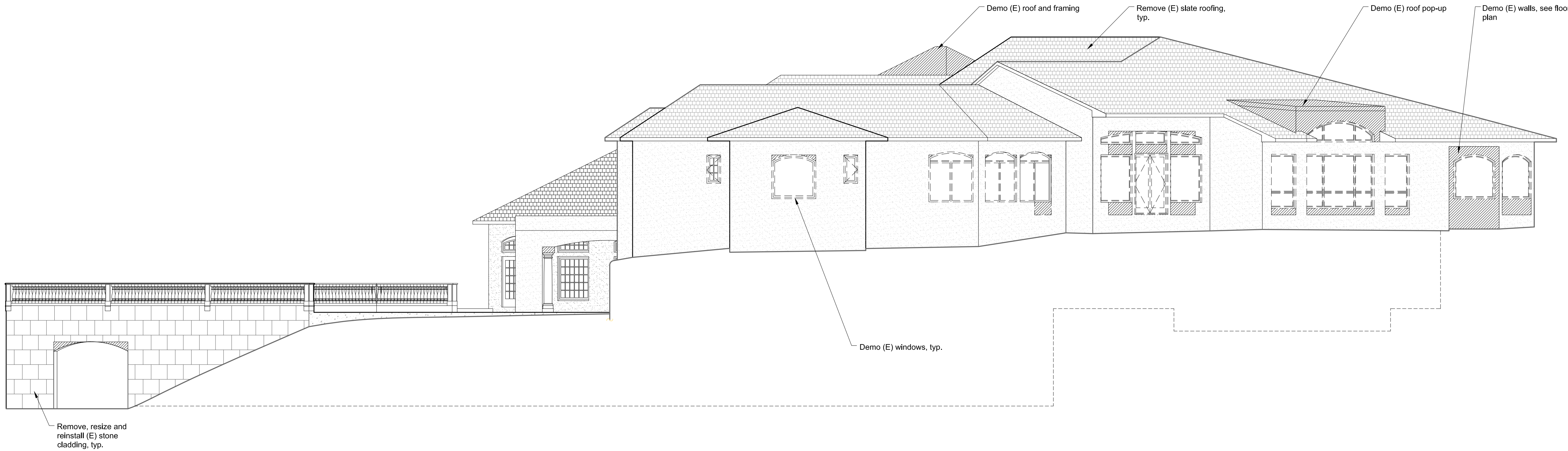
Description
ELEVATIONS

Ref. North
Sheet 1
Of 1

A3.02

Scale
0' 1' 2' 4' 8'

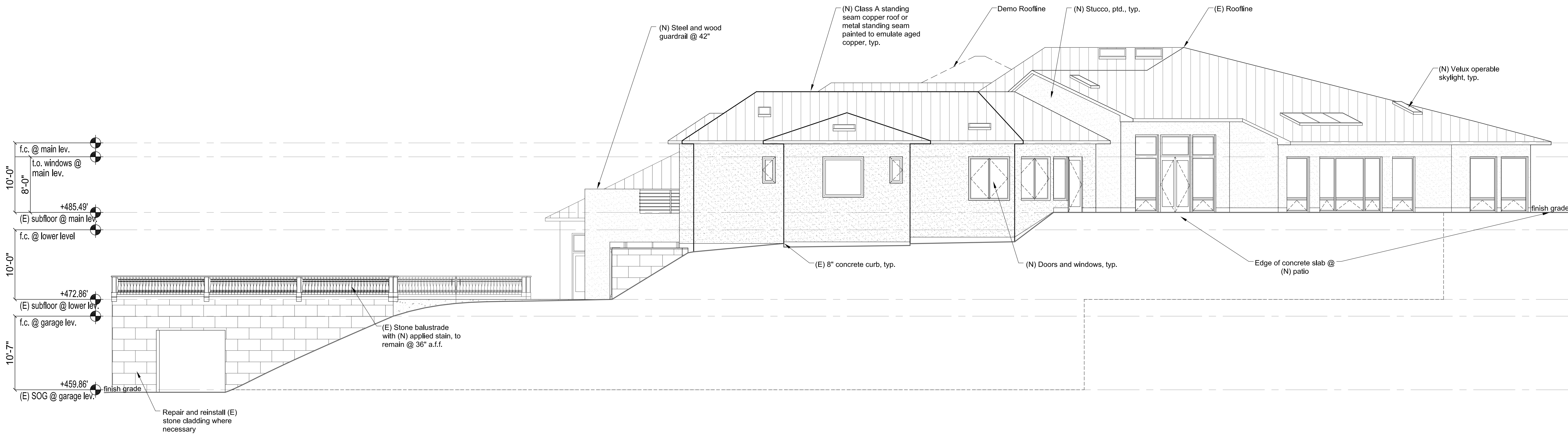
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(E) ELEVATION - WEST

1/8" = 1'-0"

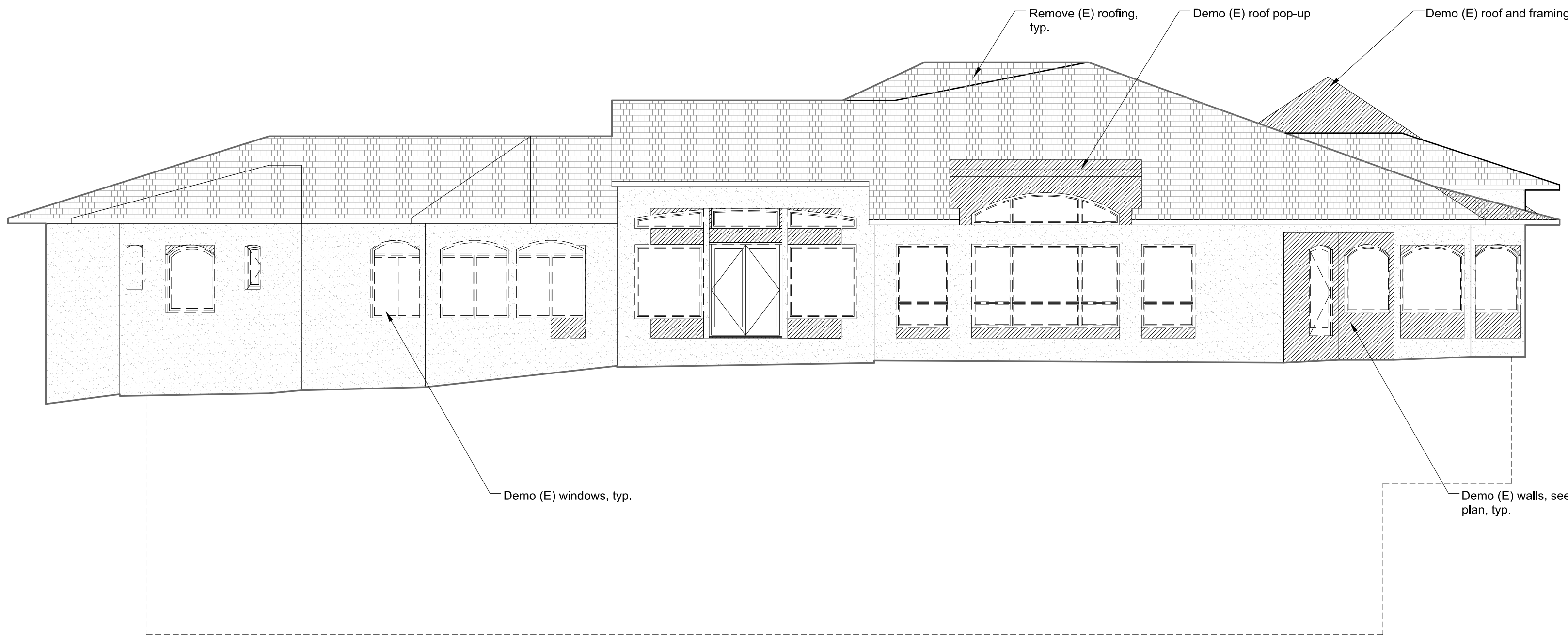
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(N) ELEVATION - WEST

1/8" = 1'-0"

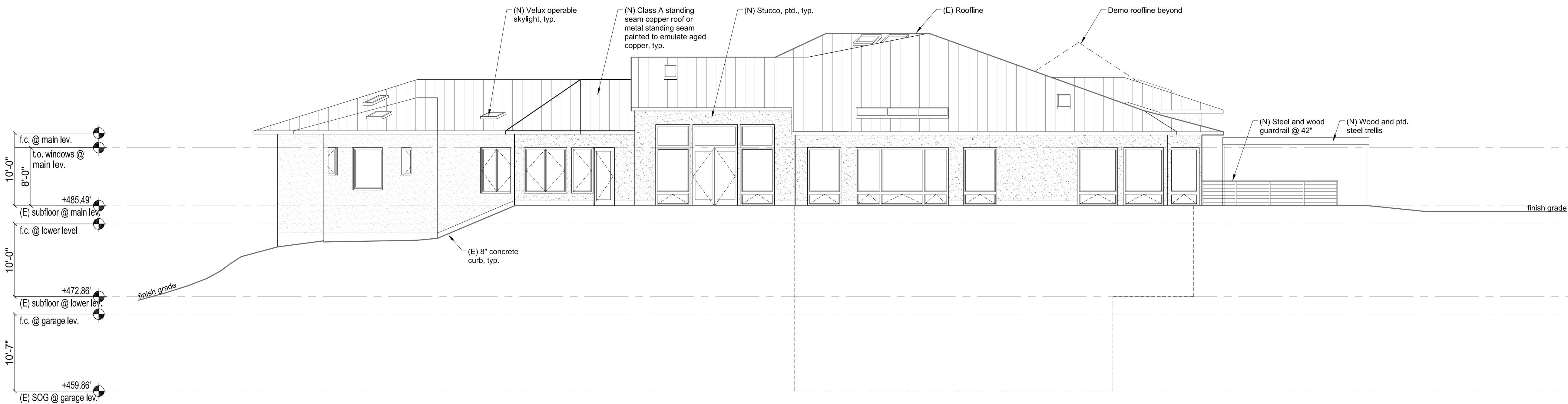
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(E) ELEVATION - SOUTHWEST

1/8" = 1'-0"

2



(N) ELEVATION - SOUTHWEST

1/8" = 1'-0"

1

PFAU
GNOL

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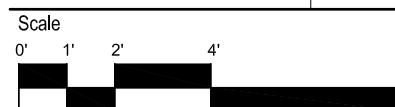
Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
ELEVATIONS

Ref. North Sheet 1 Of 1

A3.03



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Ref. North Sheet 1 Of 1

Scale 0' 1' 2' 4' 8'

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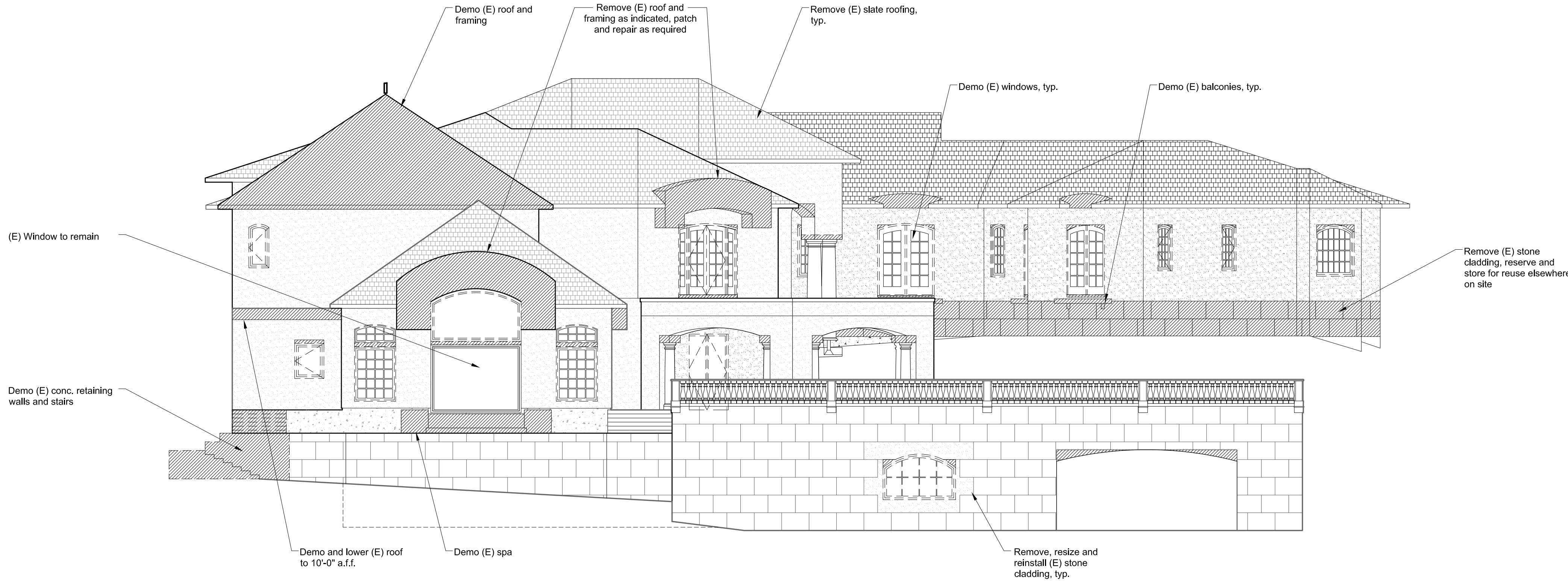
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Principal: Ray Keane
Contact: Kim Zylker

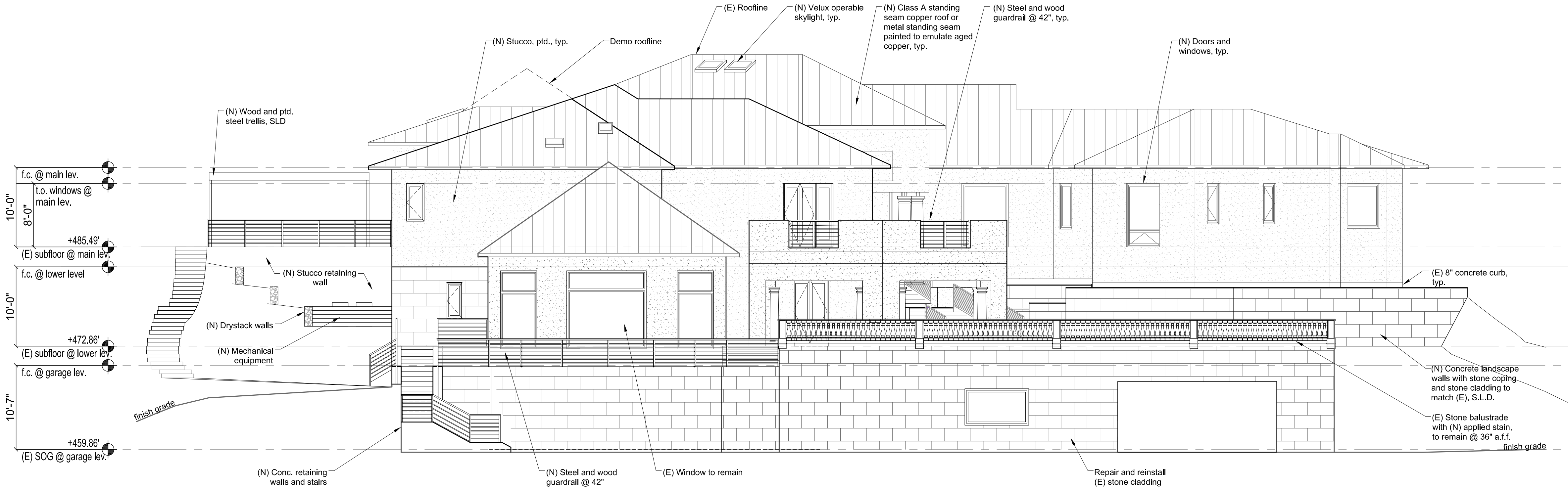
Waterproofing
Simpson Gumpertz & Heger
100 Pine Street, Suite 1600
San Francisco, CA 94110
(415) 495-3700
Contact: David Noma



(E) ELEVATION - NORTHEAST

1/8" = 1'-0"

2



(N) ELEVATION - NORTHEAST

1/8" = 1'-0"

1

Architect

Consultant

No.	Date	Issues and Revisions	By	Check
06/23/14	Site Dev. Permit Amend.	MD	MT	
12/05/14	Site Dev. Permit Amend. Rev. 1	MD	MT	
05/19/15	Site Dev. Permit Amend. Rev. 2	MD	MT	

Project Name
1000 Country Club Drive Residence

Project Number
23006

Description
ELEVATIONS

Ref. North
Sheet 1
Of 1

A3.05



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PAN RESIDENCE

1000 Country Club Drive
Milpitas, CA

APN#: 029-03-014

Owner:
SAN Partners, LLC
P.O. Box 810910
San Jose, CA 95161
(408) 432-8500
Contact: Theresa Pan

Architect:
Pflau Long Architecture LTD
98 Jack London Alley
San Francisco, CA 94107
(415) 908-6408
Principal: Peter Pflau
Contact: Melanie Turner

Landscape Architect:
Blasen Landscape Architecture
500 Red Hill Avenue
San Anselmo, CA 94960
(415) 485-3885
Principal: Eric Blasen
Contact: Beth Lee

Structural Engineer :
Peoples Associates
1996 Tarob Court
Milpitas, CA 95035
(415) 957-9220
Contact: Jeff Medeiros

Civil:
Lea & Braze Engineering Inc.
2495 Industrial Parkway West
Hayward, CA 94545
(510) 887-4086
Principal: Peter Carlinio
Contact: Randy West
Contact: Brad Sundheimer

Mechanical, Electrical, and Plumbing:
Engineering 350, LLC
870 Market St, Suite 458
San Francisco, CA 94102
(707) 320-1352
Principal: Ray Keane
Contact: Kim Zyiker

Waterproofing
Simpson Gumpertz & Heger
100 Pine Street, Suite 1600
San Francisco, CA 94110
(415) 495-3700
Contact: David Noma

Architect

Consultant

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05/19/15	Site Dev. Permit Amend. Rev. 2	MD	MT	

Project Name
1000 Country Club Drive Residence

Project Number
23006

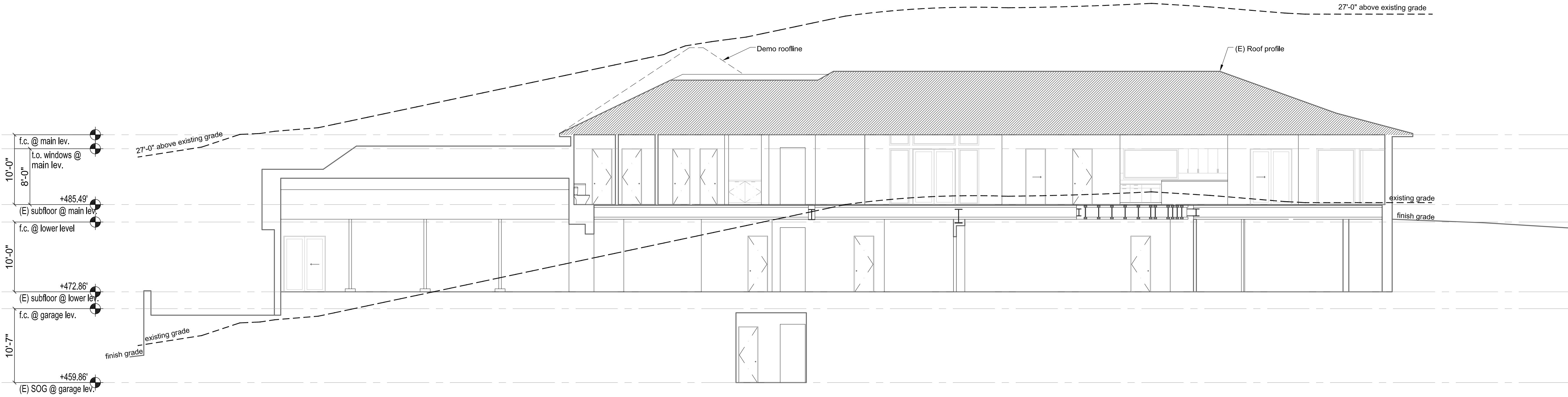
Description
ROOF CROSS SECTIONS

Ref. North
Sheet 1
Of 1

A4.00

Scale
0' 1' 2' 4' 8'

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SECTION (longitudinal northeast-northwest)

1/8" = 1'-0"

2



SECTION (northeast to northwest through Living Room)

1/8" = 1'-0"

1

The site plan illustrates the proposed development and its impact on existing vegetation. Key features include:

- Topography:** Contour lines are drawn at 5-foot intervals, ranging from 415 to 490 feet.
- Tree Protection Zones (TPZ):** Three areas are designated as TPZs, outlined with dashed lines. These zones are located in the upper left, lower center, and lower right of the plan.
- Existing Trees:** Individual trees are represented by circles with a central dot. Labels indicate tree species and sizes: "12\" OAK", "16\" PINE", "24\" PINE", and "34\" PINE".
- Proposed Structures and Features:**
 - A large rectangular building footprint is shown in the center-right.
 - A "CONC. STAIRWAY" is located near the center.
 - A "CONC. RETAINING WALL" and "CONCRETE WALL" are shown on the right side.
 - A "CONCRETE ENCLOSURE" is located near the center-right.
 - A "WALL" is shown on the right side.
 - A "SWALE" is located on the right side.
- Other Features:**
 - "GRADE BREAK" labels are placed along the contour lines.
 - A "TREE PROTECTION FENCE AND TREE PROTECTION AREA" is indicated by a dashed line in the upper right corner.
 - An "EXISTING TREE CANOPY" is shown as a shaded area in the upper right corner.

- EXISTING TREE CANOPY

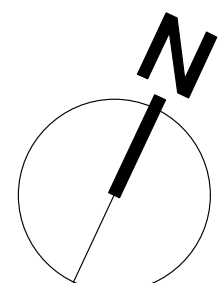
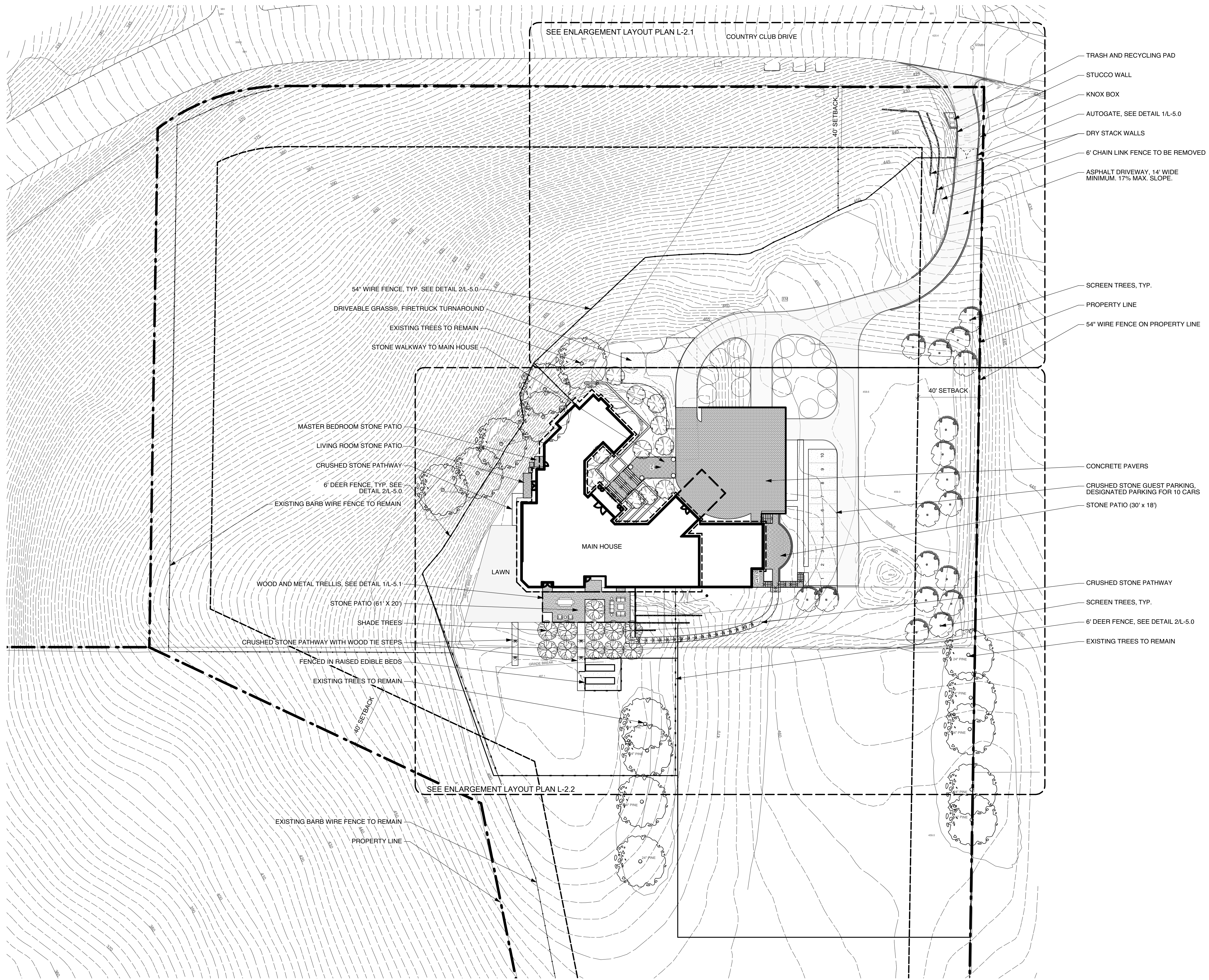
12. **Tree Damage:**
In cases where existing trees sustain damage or critical injury during the course of construction, general contractor assumes responsibility for purchase and installation of suitable replacement material based on criteria set by an independent consulting arborist. The cost of the evaluation shall be borne by the contractor.

- EXISTING 24" PINE TREES
TO REMAIN, TYP OF 5

R.L.A. #3774

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R.L.A. #3774

Pan Residence

landscape

1000 Country Club Drive
Milpitas, CA
APN: 029-03-014

Site Plan

Revisions:

06.23.14 Site Development Permit Amendment

12/05/14 Site Dev. Permit Amend. Rev 1

05.19.15 Site Dev. Permit Amend. Rev. 2

Drawn:

Checked:

Issue Date:

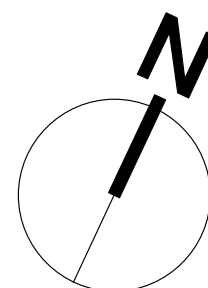
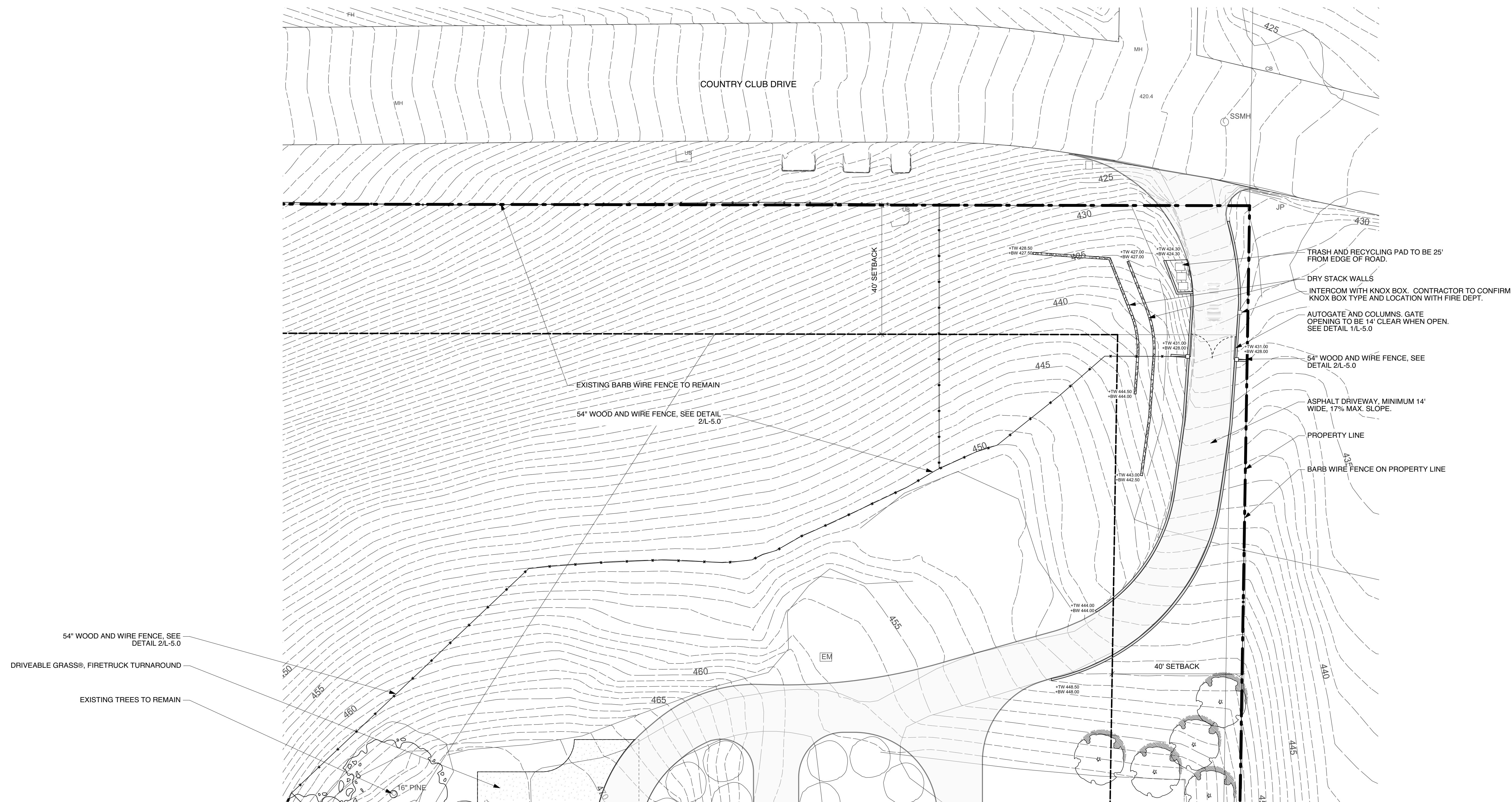
Scale:
1"=30'

Sheet:

L-2.0

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Pan Residence

landscape

1000 Country Club Drive
Milpitas, CA
APN: 029-03-014

Layout Enlargement Plan

Revisions:

06.23.14 Site Development Permit Amendment

12/05/14 Site Dev. Permit Amend. Rev 1

05.19.15 Site Dev. Permit Amend. Rev. 2

Drawn:	Checked:
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BLA	EB
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100	100

Issue Date:	Scale:
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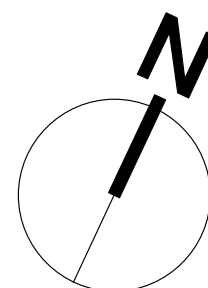
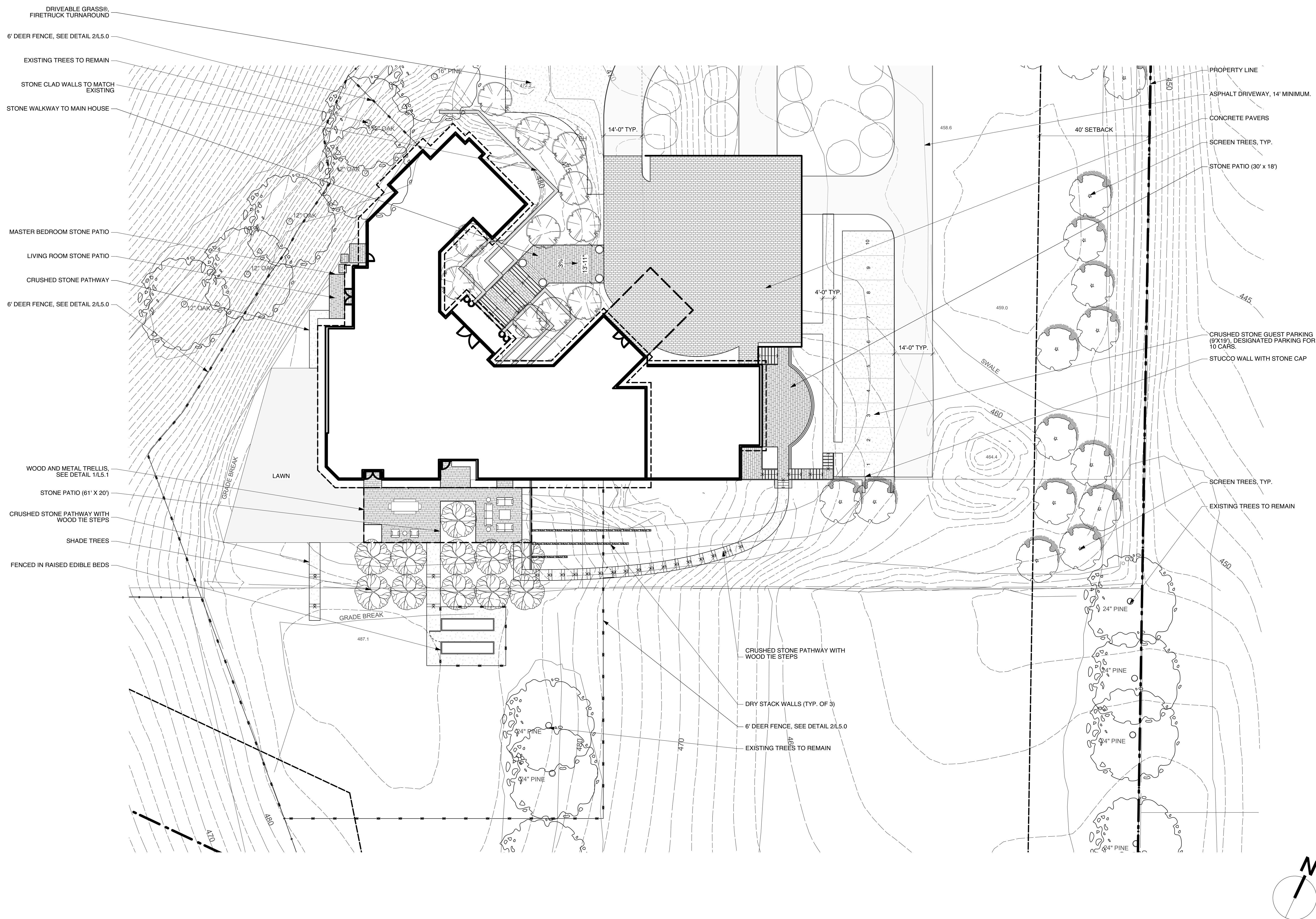
23-Jun-14	1/16"=1'-0"
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Sheet: **101**

L-2.1

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Pan Residence

landscape

1000 Country Club Drive
Milpitas, CA
APN: 029-03-014

Layout Enlargement Plan

Revisions:

06.23.14 Site Development Permit Amendment

12/05/14 Site Dev. Permit Amend. Rev 1

05.19.15 Site Dev. Permit Amend. Rev. 2

Drawn:

BLA

Issue Date:	
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23-Jun-14

Checked:

EB

Scale:

$$1/16'' = 1'-0''$$

Sheet:

L-2.2

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BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	MATURE (HxW)	GROWTH RATE	SPACING	WN
Entry Drive Arctostaphylos 'Pacific Mist' Berberis thunbergii 'Gentry' Callistemon 'Little John' Ceanothus 'Dark Star' Feijoa sellowiana Melianthus major	Creeping Manzanita Gentry Japanese Barberry Little John Bottlebrush Dark Star Ceanothus Pineapple Guava Honey Bush	1 gal 1 gal 1 gal 5 gal 5 gal 5 gal	1'x6' 3'x4' 3'x4' 4'x6' 8'x8' 8'x8'	mod mod mod mod mod mod/fast	4' o.c. 4' o.c. 4' o.c. 5' o.c. 5' o.c. 6' o.c.	WN W W WN W W

Hydroseed Mix TBD.

House Entry Acer japonicum vitifolium Acer palmatum 'Seiryu' Asparagus densiflorus 'Myers' Camellia japonica 'Bella Rossa' Helioberus argutifolius Ophiopogon japonicus 'Nigrescens' Taxus baccata repandens	Full Moon Maple Seiryu Japanese Maple Foxtail Fern Nuccio's Bella Rossa Camellia Christmas Rose Nigrescens Mondo Grass Spreading English Yew	24" box 24" box 1 gal 15 gal 1 gal 1 gal 5 gal	10'x10' 10'x8' 2'x2' 8'x6' 2'x2' 6'x6' 3'x8'	mod mod fast mod fast mod mod	10' o.c. 10' o.c. 2' o.c. 5' o.c. 2' o.c. 4' o.c. 6' o.c.	W W W W W W W
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Garage Surroundings and Roof Top Acer buergerianum Arctostaphylos 'Pacific Mist' Bougainvillea 'Barbara Karst' Callistemon 'Little John' Ceanothus 'Dark Star' Distictis buccinatoria Feijoa sellowiana Loropetalum chinense 'Purple Majesty' Myrsine africana Salvia leucantha 'Midnight'	Trident Maple Creeping Manzanita Barbara Karst Bougainvillea Little John Bottlebrush Dark Star Ceanothus Blood Red Trumpet Vine Pineapple Guava Purple Majesty Fringe Flower African Boxwood Mexican Bush Sage	24" box 1 gal 5 gal 1 gal 5 gal 5 gal 5 gal 5 gal 5 gal 1 gal	20'x20' 1'x6' 12'x12' 3'x4' 4'x6' 20'x20' 8'x8' 5'x6' 4'x3' 18'x2'	mod mod mod mod mod fast mod mod mod fast	10' o.c. 4' o.c. 10' o.c. 4' o.c. 5' o.c. 12' o.c. 5' o.c. 4' o.c. 3' o.c. 2' o.c.	WN W W W WN W W W W W
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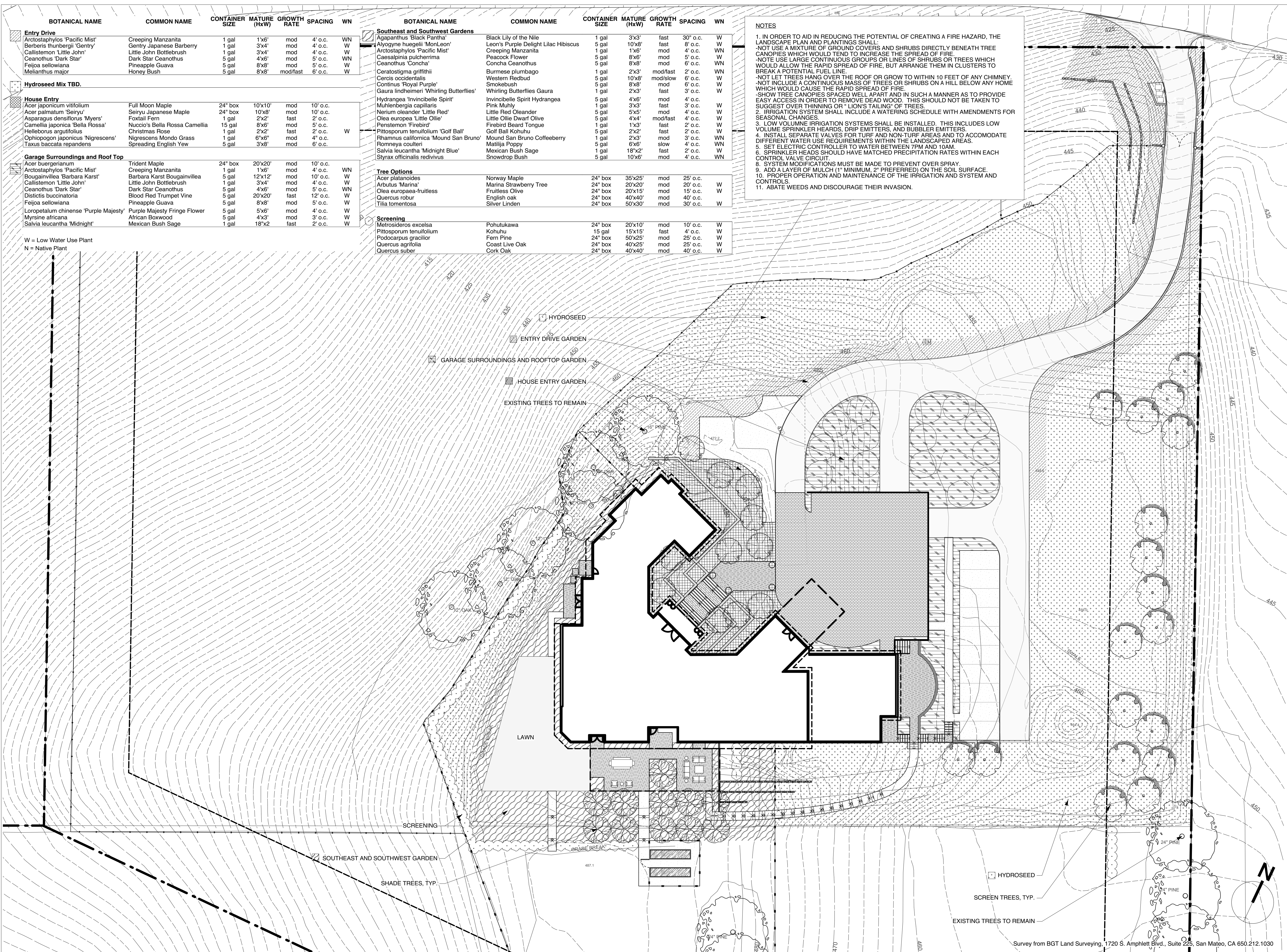
W = Low Water Use Plant
N = Native Plant

BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	MATURE (HxW)	GROWTH RATE	SPACING	WN
Southeast and Southwest Gardens Agapanthus 'Black Pantha' Alyogyne huscagii 'MonLeoni' Arctostaphylos 'Pacific Mist' Caesalpinia pulcherrima Ceanothus 'Concha' Ceratostigma griffithii Cercis occidentalis Continus 'Royal Purple' Gaura lindheimeri 'Whirling Butterflies' Hydrangea 'Invincibelle Spirit' Muhlenbergia capillaris Nerium oleander 'Little Red' Olea europea 'Little Ollie' Penstemon 'Firebird' Pittosporum tenuifolium 'Golf Ball' Rhamnus californica 'Mound San Bruno' Romneya coulteri Salvia leucantha 'Midnight Blue' Stryx officinalis redivivus	Black Lily of the Nile Leon's Purple Delight Lilac Hibiscus Creeping Manzanita Peacock Flower Concha Ceanothus Burmese plumbago Western Redbud Smokebush Whirling Butterflies Gaura Invincibelle Spirit Hydrangea Pink Muhly Little Red Oleander Little Ollie Dwarf Olive Firebird Beard Tongue Golf Ball Kohuue Mound San Bruno Coffeeberry Matilija Poppy Mexican Bush Sage Snowdrop Bush	1 gal 5 gal 1 gal 5 gal 5 gal 1 gal 5 gal 5 gal 1 gal 5 gal 1 gal 5 gal 5 gal 1 gal 5 gal 1 gal 5 gal 1 gal 5 gal	3'x3' 10'x8' 1'x6' 8'x6' 8'x8' 2'x3' 10'x8' 8'x8' 2'x3' 4'x6' 3'x3' 5'x5' 4'x4' 1'x3' 2'x2' 2'x3' 6'x6' 18'x2' 10'x6'	fast mod mod mod mod mod/fast mod/slow mod fast mod mod mod/fast fast fast mod slow fast mod	30' o.c. 8' o.c. 4' o.c. 5' o.c. 6' o.c. 2' o.c. 6' o.c. 6' o.c. 3' o.c. 4' o.c. 3' o.c. 4' o.c. 4' o.c. 2' o.c. 2' o.c. 3' o.c. 4' o.c. 2' o.c. 3' o.c.	W W WN W WN WN W W W W W W W W W WN WN W W

Tree Options Acer platanoides Arbutus 'Marina' Olea europaea-frutless Quercus robur Tilia tomentosa	Norway Maple Marina Strawberry Tree Fruitless Olive English oak Silver Linden	24" box 24" box 24" box 24" box 24" box	35'x25' 20'x20' 20'x15' 40'x40' 50'x30'	mod mod mod mod mod	25' o.c. 20' o.c. 15' o.c. 40' o.c. 30' o.c.	W W W W W
---	---	---	---	---------------------------------	--	-----------------------

Screening Metrosideros excelsa Pittosporum tenuifolium Podocarpus gracilior Quercus agrifolia Quercus suber	Pohutukawa Kohuhu Fern Pine Coast Live Oak Cork Oak	24" box 15 gal 24" box 24" box 24" box 24" box	20'x10' 15'x15' 50'x25' 40'x25' 40'x40'	mod fast mod mod mod	10' o.c. 4' o.c. 25' o.c. 25' o.c. 40' o.c.	W W W W W
---	---	---	---	----------------------------------	---	-----------------------

- NOTES
1. IN ORDER TO AID IN REDUCING THE POTENTIAL OF CREATING A FIRE HAZARD, THE LANDSCAPE PLAN AND PLANTINGS SHALL:
-NOT USE A MIXTURE OF GROUND COVERS AND SHRUBS DIRECTLY BENEATH TREE CANOPIES WHICH WOULD TEND TO INCREASE THE SPREAD OF FIRE.
-NOTE USE LARGE CONTINUOUS GROUPS OF LINES OF SHRUBS OR TREES WHICH WOULD ALLOW THE RAPID SPREAD OF FIRE, BUT ARRANGE THEM IN CLUSTERS TO BREAK A POTENTIAL FUEL LINE.
-NOT LET TREES HANG OVER THE ROOF OR GROW TO WITHIN 10 FEET OF ANY CHIMNEY.
-NOT INCLUDE A CONTINUOUS MASS OF TREES OR SHRUBS ON A HILL BELOW ANY HOME WHICH WOULD CAUSE THE RAPID SPREAD OF FIRE.
-SHOW TREE CANOPIES SPACED WELL APART AND IN SUCH A MANNER AS TO PROVIDE EASY ACCESS IN ORDER TO REMOVE DEAD WOOD. THIS SHOULD NOT BE TAKEN TO SUGGEST OVER THINNING OR "LION'S TAILING" OF TREES.
 2. IRRIGATION SYSTEM SHALL INCLUDE A WATERING SCHEDULE WITH AMENDMENTS FOR SEASONAL CHANGES.
 3. LOW VOLUME IRRIGATION SYSTEMS SHALL BE INSTALLED. THIS INCLUDES LOW VOLUME SPRINKLER HEADS, DRIP EMITTERS, AND BUBBLER EMITTERS.
 4. INSTALL SEPARATE VALVES FOR TURF AND NON-TURF AREAS AND TO ACCOMMODATE DIFFERENT WATER USE REQUIREMENTS WITHIN THE LANDSCAPED AREAS.
 5. SET ELECTRIC CONTROLLER TO WATER BETWEEN 7PM AND 10AM.
 6. SPRINKLER HEADS SHOULD HAVE MATCHED PRECIPITATION RATES WITHIN EACH CONTROL VALVE CIRCUIT.
 8. SYSTEM MODIFICATIONS MUST BE MADE TO PREVENT OVER SPRAY.
 9. ADD A LAYER OF MULCH (1" MINIMUM, 2" PREFERRED) ON THE SOIL SURFACE.
 10. PROPER OPERATION AND MAINTENANCE OF THE IRRIGATION AND SYSTEM AND CONTROLS.
 11. ABATE WEEDS AND DISCOURAGE THEIR INVASION.



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R.L.A. #3774

Pan Residence
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1000 Country Club Drive
Milpitas, CA
APN: 029-03-014

Planting Plan

Revisions:

06.23.14 Site Development Permit Amendment
12/05/14 Site Dev. Permit Amend. Rev 1
05.19.15 Site Dev. Permit Amend. Rev. 2

Drawn:

BLA

Checked:

EB

Issue Date:

23-Jun-14

Scale:

1"=20'

Sheet:

L-3.0

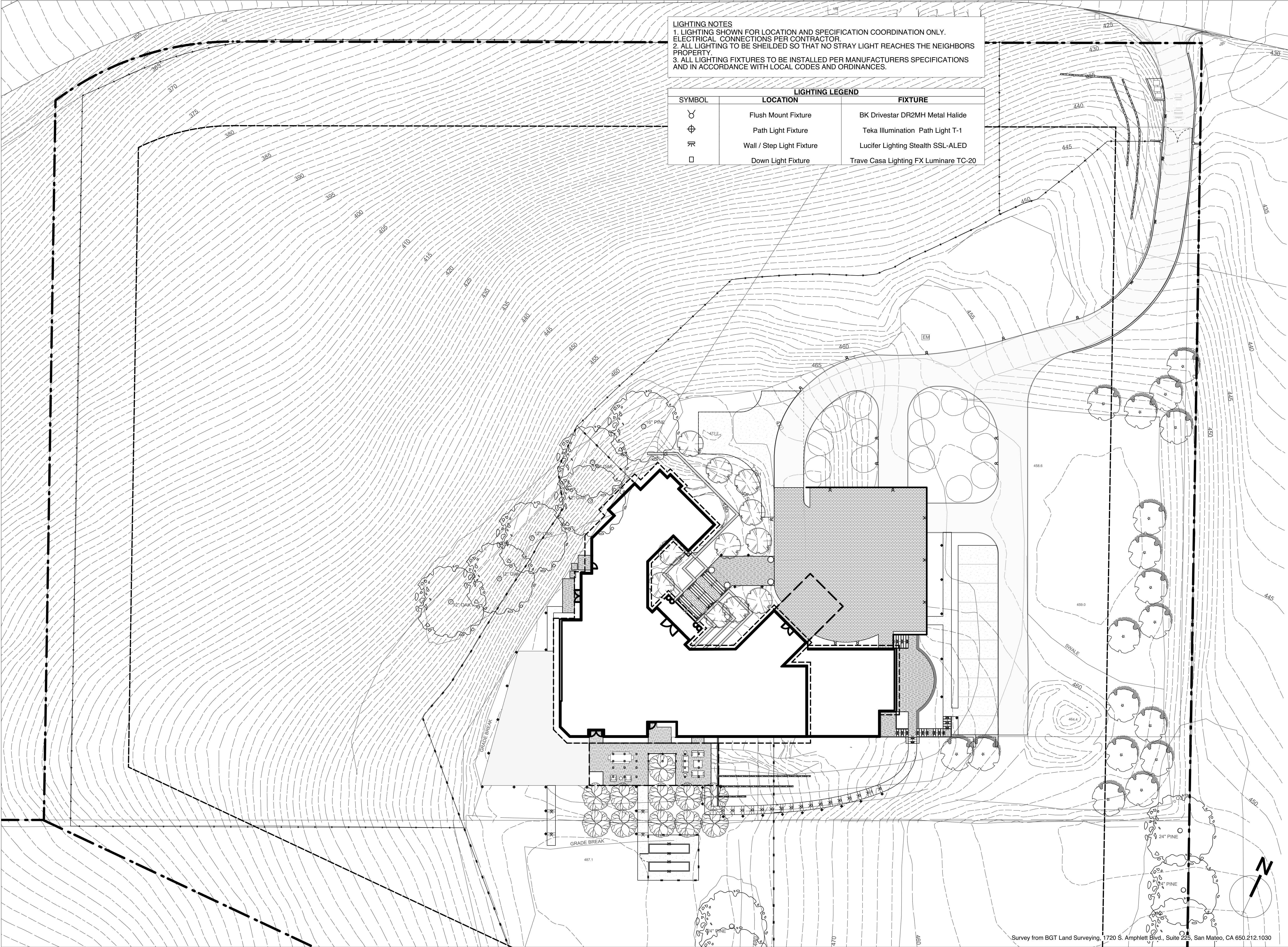
SCHEMATIC

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LIGHTING NOTES
1. LIGHTING SHOWN FOR LOCATION AND SPECIFICATION COORDINATION ONLY.
ELECTRICAL CONNECTIONS PER CONTRACTOR.
2. ALL LIGHTING TO BE SHIELDED SO THAT NO STRAY LIGHT REACHES THE NEIGHBORS PROPERTY.
3. ALL LIGHTING FIXTURES TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS AND IN ACCORDANCE WITH LOCAL CODES AND ORDINANCES.

LIGHTING LEGEND		
SYMBOL	LOCATION	FIXTURE
⌘	Flush Mount Fixture	BK Drivestar DR2MH Metal Halide
⊕	Path Light Fixture	Teka Illumination Path Light T-1
⌘	Wall / Step Light Fixture	Lucifer Lighting Stealth SSL-ALED
□	Down Light Fixture	Trave Casa Lighting FX Luminare TC-20



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Pan Residence
landscape

1000 Country Club Drive
Milpitas, CA
APN: 029-03-014

Lighting Diagram

Revisions:

06.23.14 Site Development Permit Amendment
12/05/14 Site Dev. Permit Amend. Rev 1
05.19.15 Site Dev. Permit Amend. Rev. 2

Drawn: BLA
Checked: EB

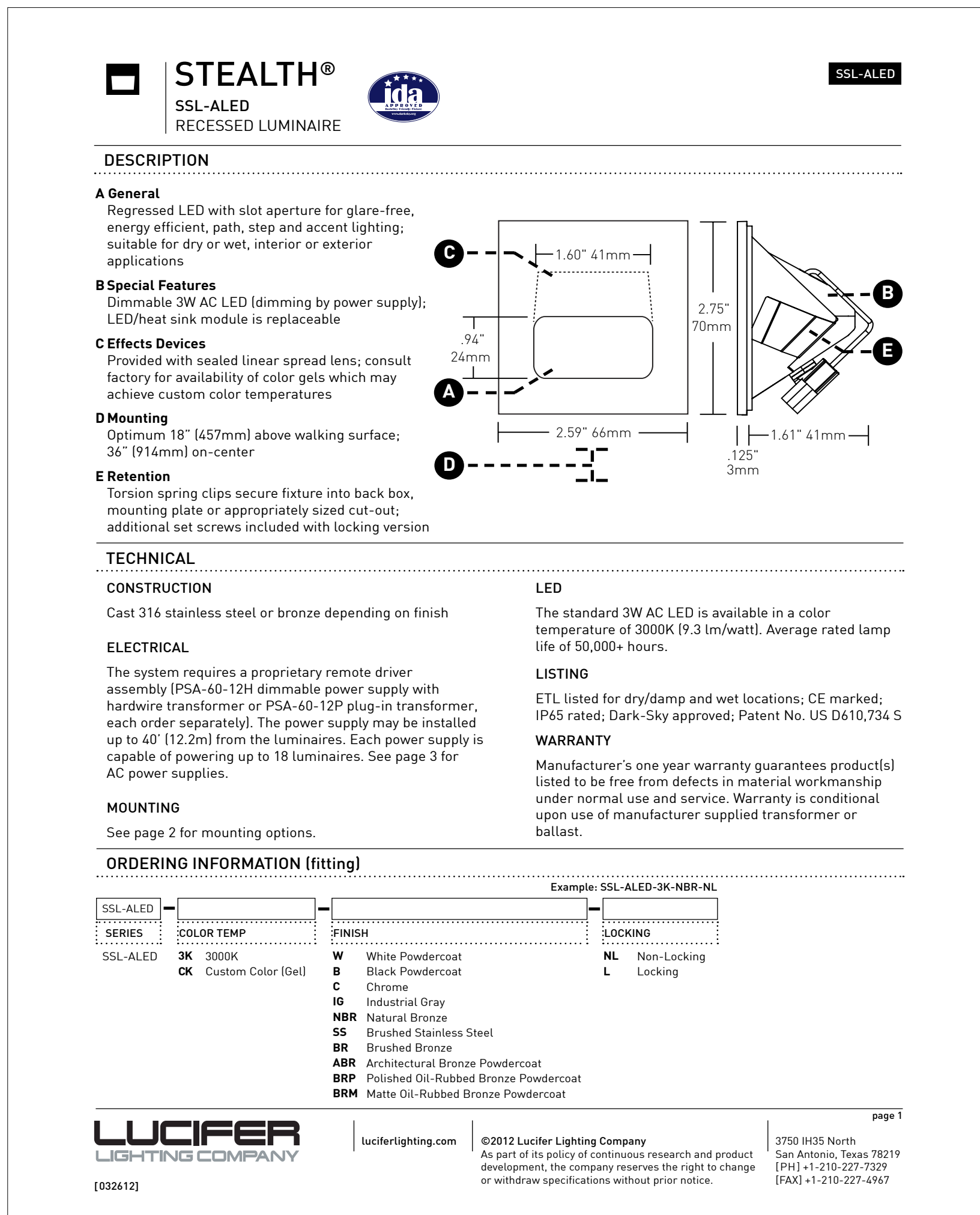
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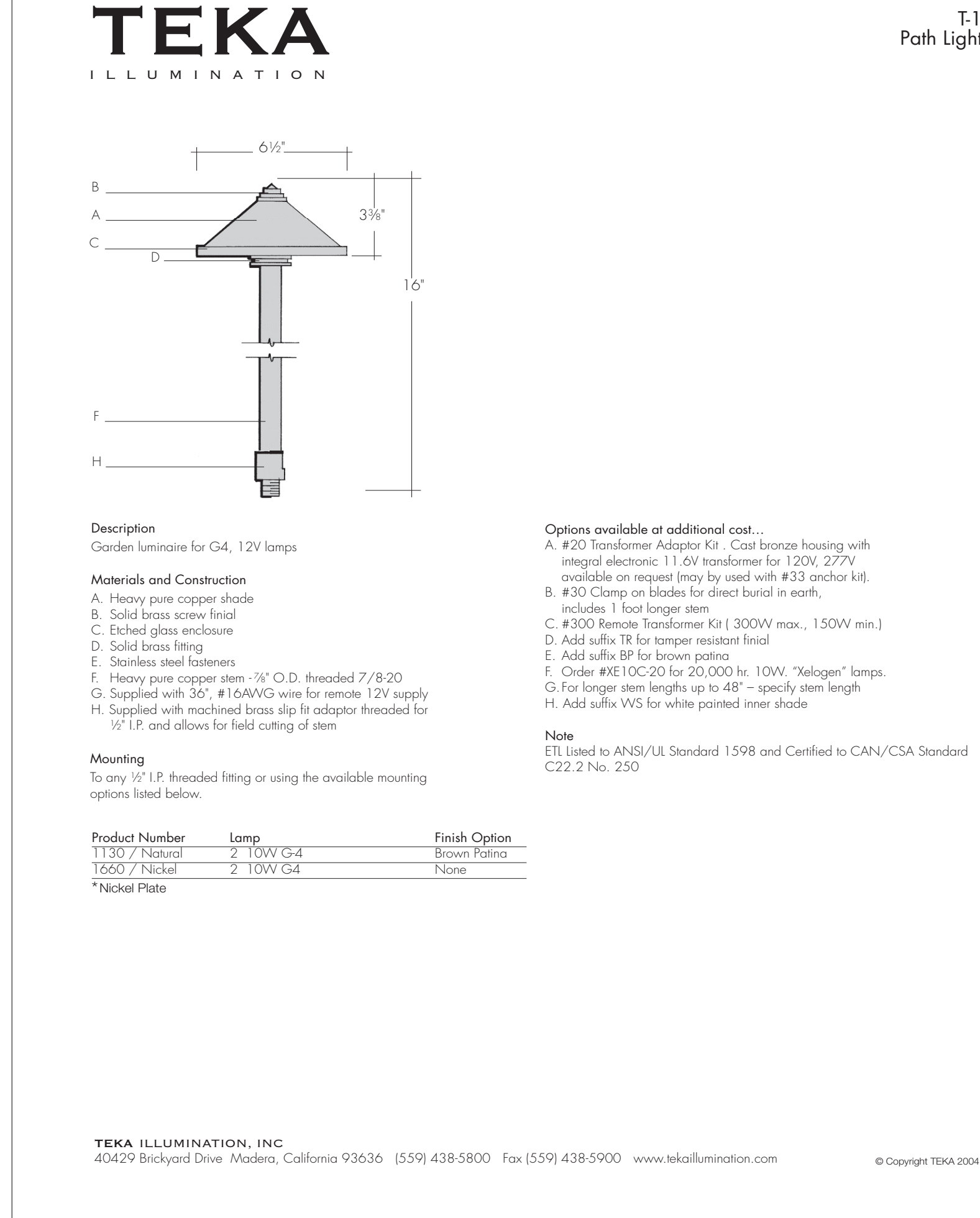
L-4.0
SCHEMATIC



1 FLUSH MOUNT
Scale: Actual Size



3 WALL / STEP LIGHT
Scale: Actual Size



2 PATH LIGHT
Scale: Actual Size



4 DOWN LIGHT
Scale: Actual Size



1000 Country Club Drive
Milpitas, CA
APN: 029-03-014

Lighting Cut Sheets

Revisions:

06.23.14 Site Development Permit Amendment

12/05/14 Site Dev. Permit Amend. Rev

05.19.15 Site Dev. Permit Amend. Rev. 2

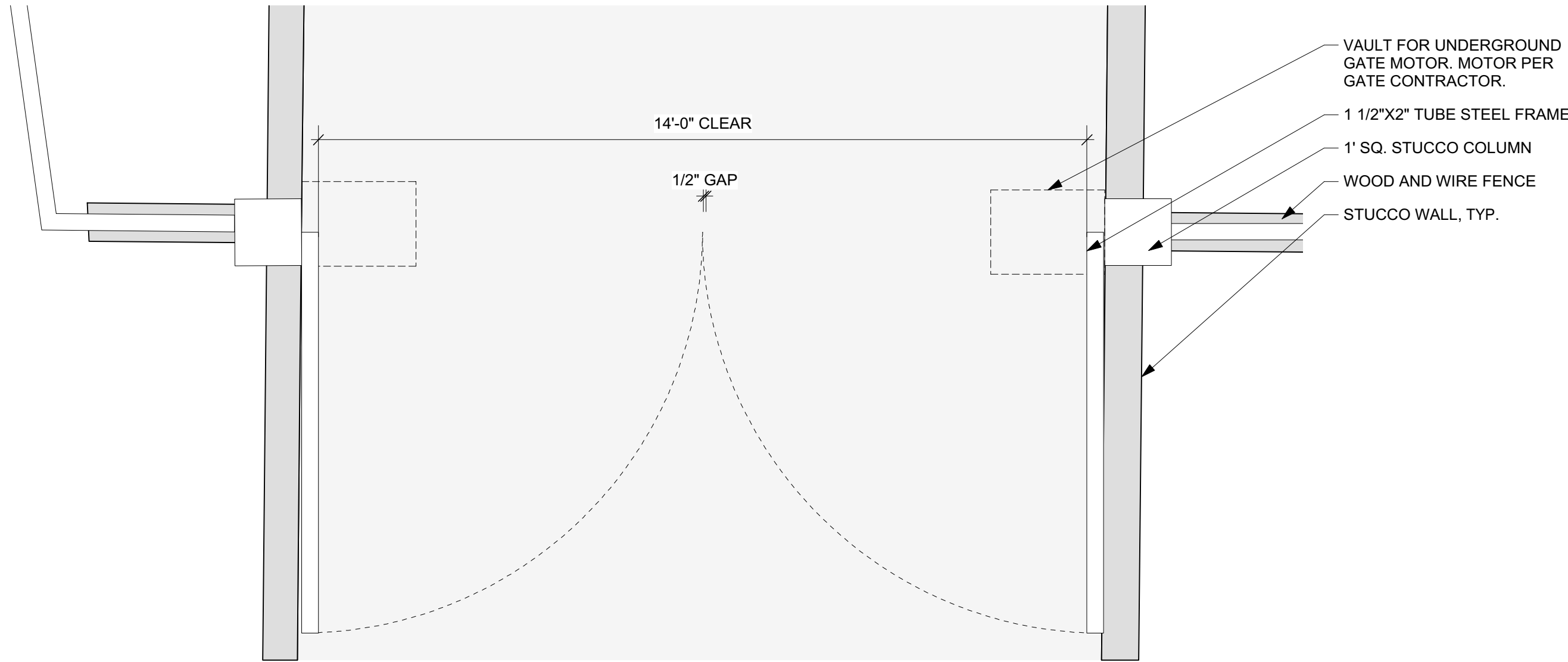
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Issue Date: 23-Jun-14	Scale: NTS

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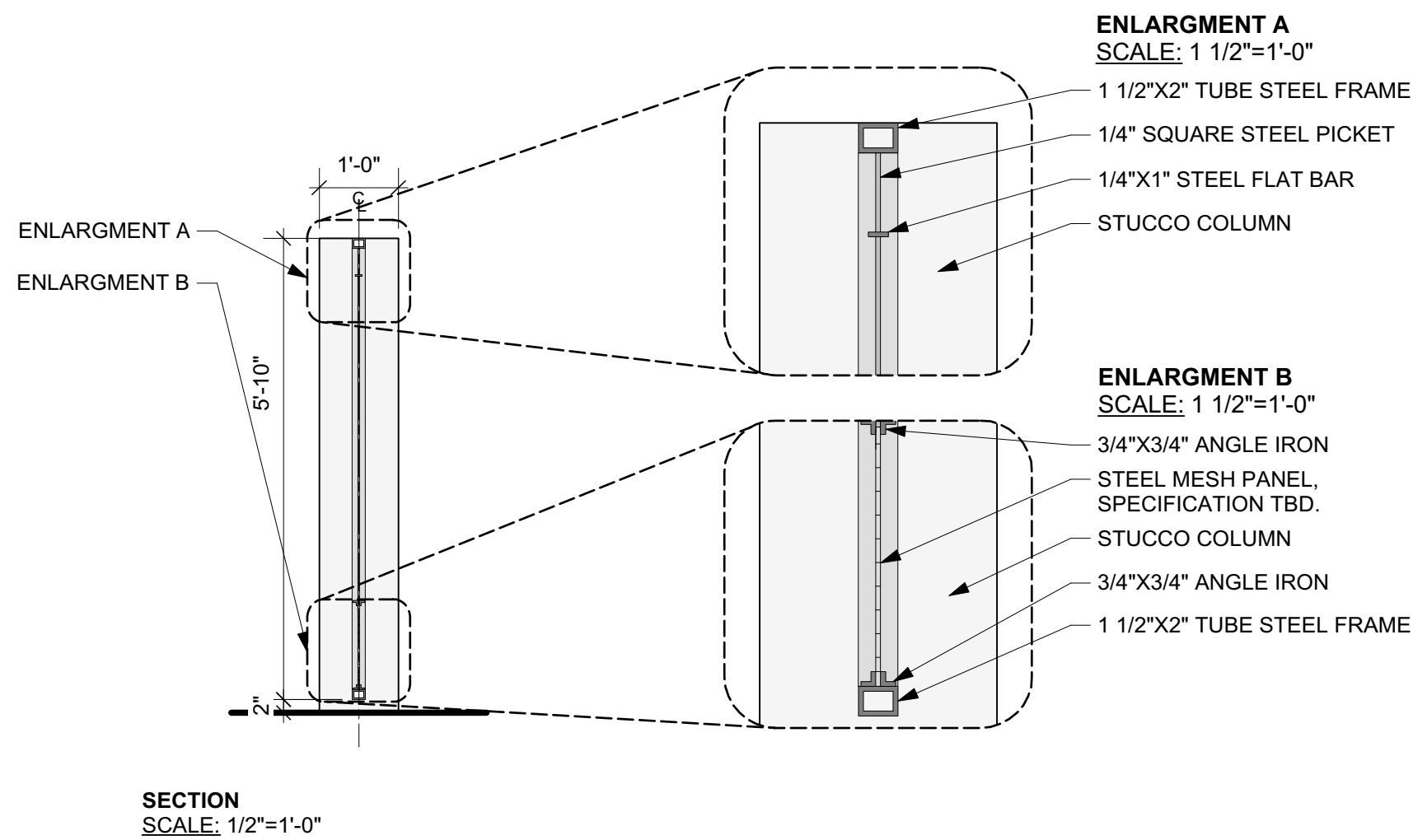
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PLAN
SCALE: 1/2"=1'-0"

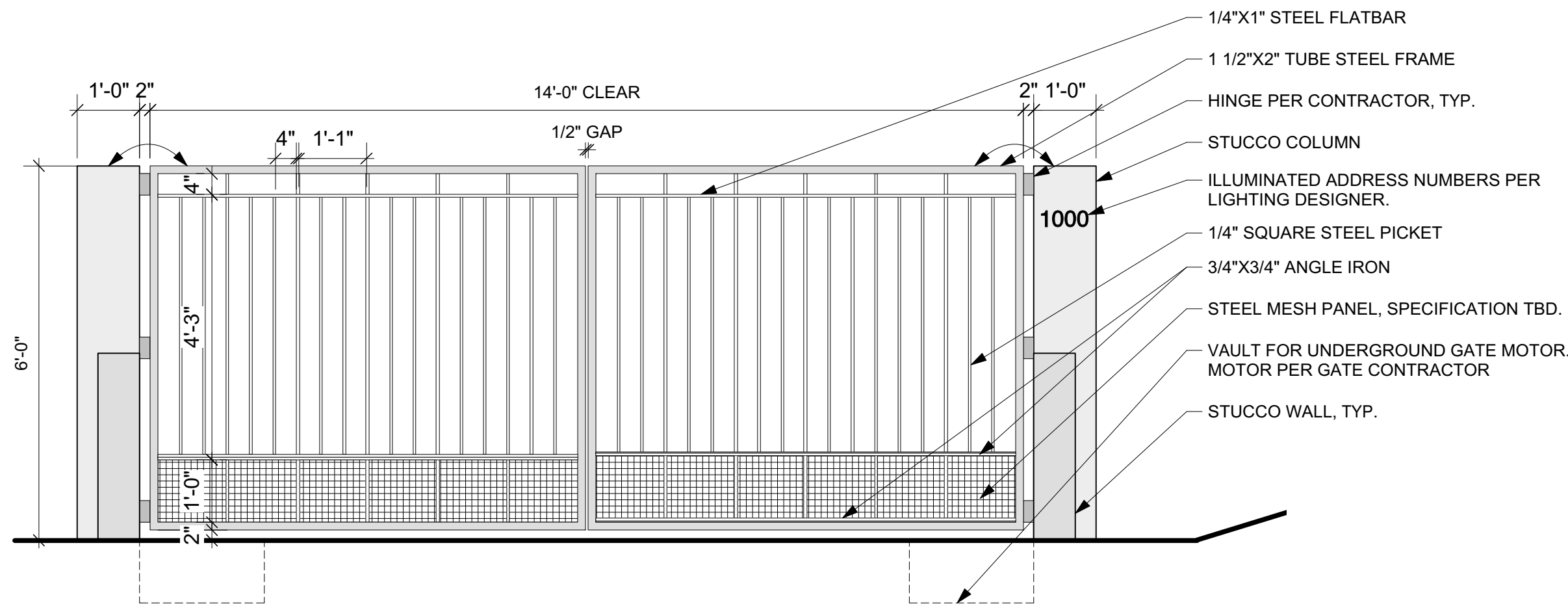


SECTION
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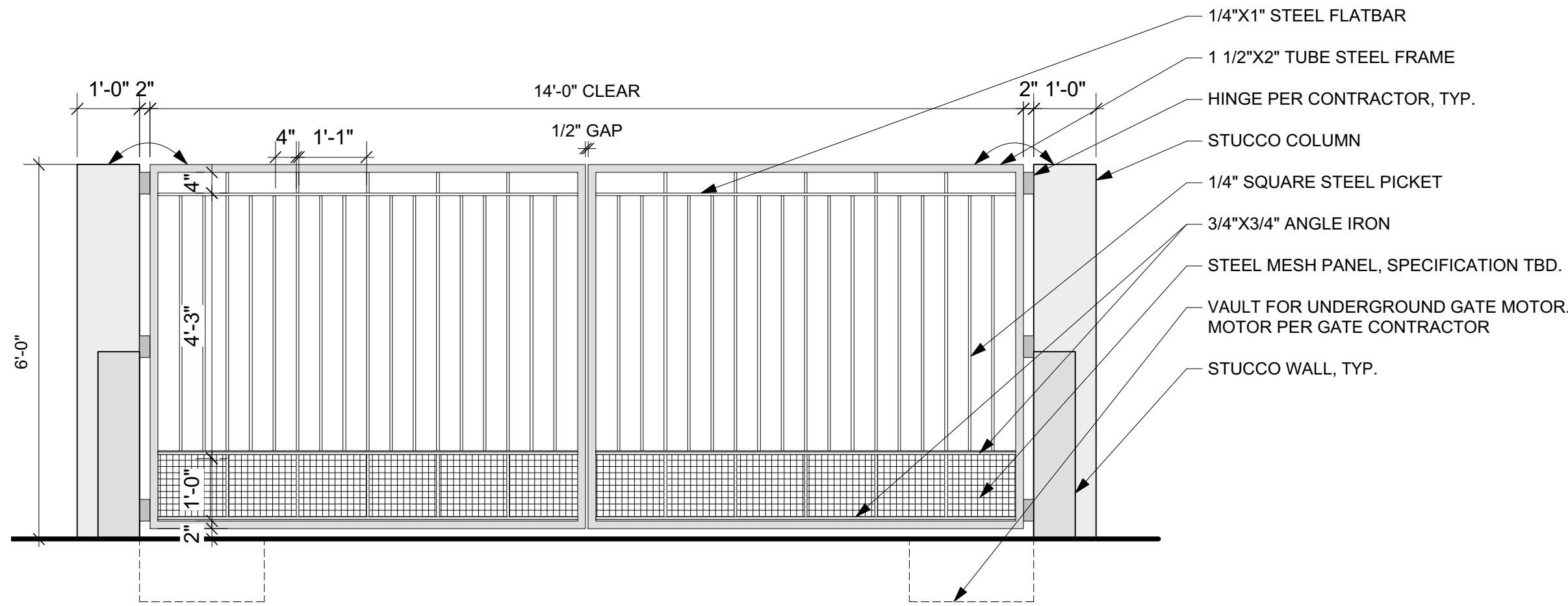
ENLARGMENT A
SCALE: 1 1/2"=1'-0"

ENLARGMENT B
SCALE: 1 1/2"=1'-0"

NOTES:
1. GATE STEEL FRAME AND CONNECTION PER STRUCTURAL ENGINEER, TYP.
2. AUTO GATE MECHANICAL SYSTEM PER GATE CONTRACTOR. SUBMIT CUT SHEET TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ORDER.
3. CONTRACTOR TO SUBMIT SHOP DRAWINGS FOR STEEL FRAME AND METAL WORK FOR REVIEW AND APPROVAL PRIOR TO FABRICATION.
4. ALL HARDWARE TO BE STAINLESS STEEL PER CONTRACTOR.

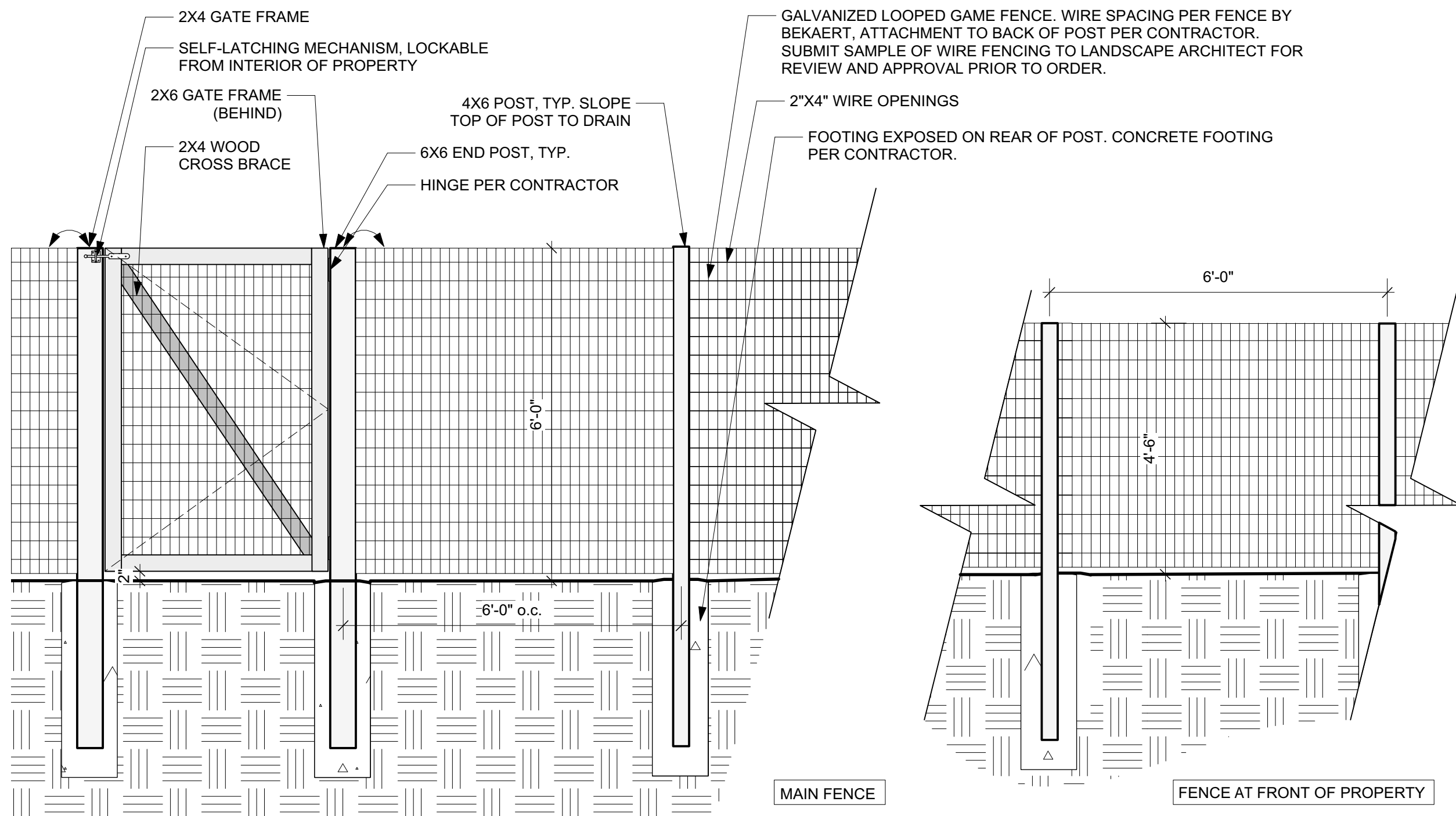


FRONT ELEVATION
SCALE: 1/2"=1'-0"



BACK ELEVATION
SCALE: 1/2"=1'-0"

1 MAIN AUTO GATE OPTIONS
SCALE: AS NOTED



NOTES:
1. ALL WOOD TO BE WESTERN RED CEDAR WITH CRISP EDGES (1/8" EASE).
2. PRICE FENCE AS KILN-DRIED GRADE C AND BETTER. SUBMIT SAMPLES OF EACH CEDAR TYPE TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ORDER.
3. ALL SCREWS AND BOLTS TO BE GALVANIZED PER CONTRACTOR.
4. GATE LOCATION TO BE DETERMINED IN FIELD. GATE SWINGS INTO PROPERTY. LOCATE LATCH ON INTERIOR OF PROPERTY.
5. SUBMIT LATCH CUT SHEET TO LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
6. SEE SITE PLAN FOR LOCATION OF 4'-6" FENCE AT FRONT OF PROPERTY.

2 WOOD AND WIRE FENCE
SCALE: 1/2"=1'-0"

BLASEN
LANDSCAPE
ARCHITECTURE
500 Red Hill Avenue
San Anselmo, CA 94960
t: 415.485.3885
f: 415.485.3877
www.blasengardens.com
R.L.A. #3774

Pan Residence
landscape

1000 Country Club Drive
Milpitas, CA
APN: 029-03-014

Landscape Details

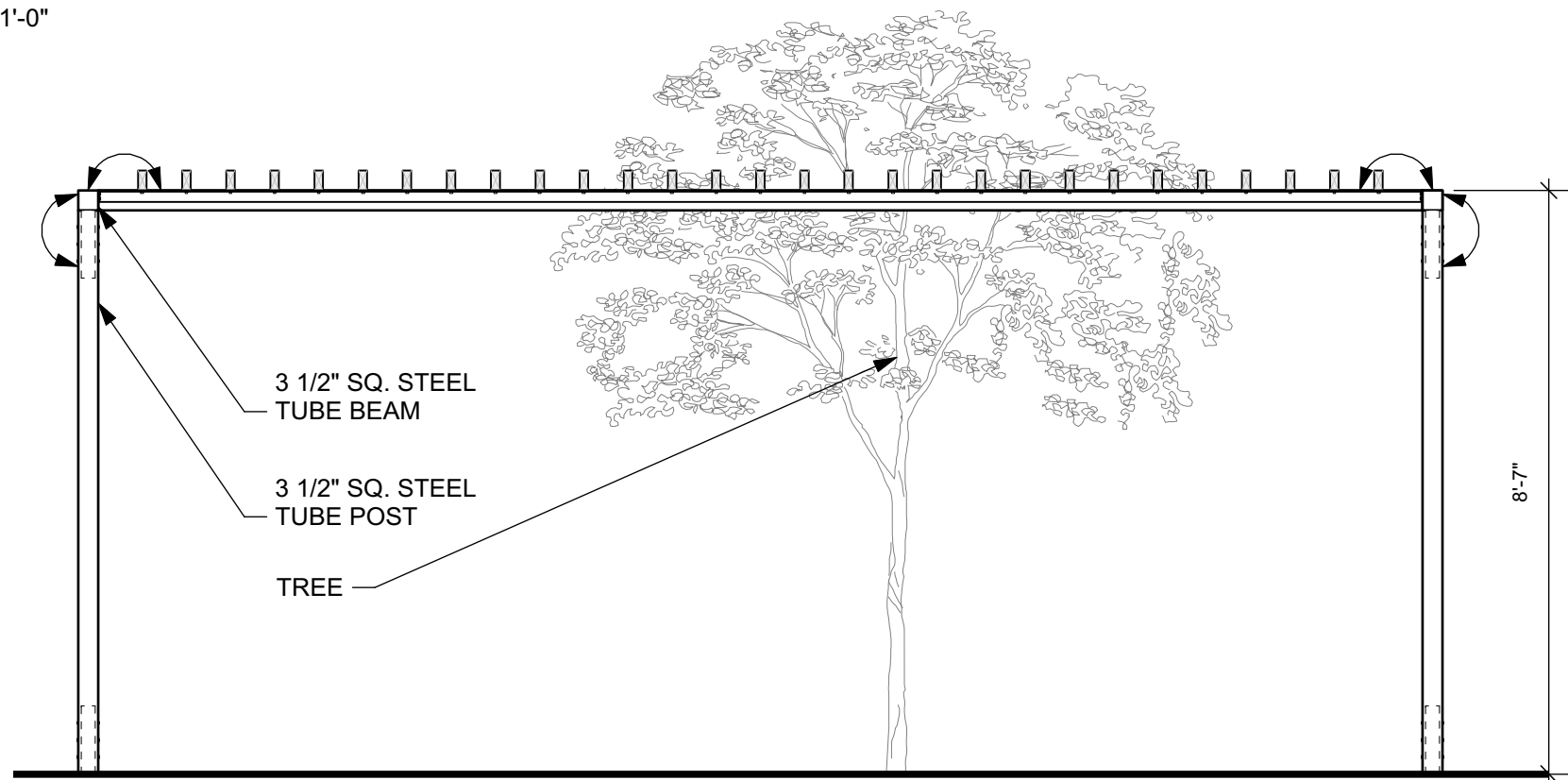
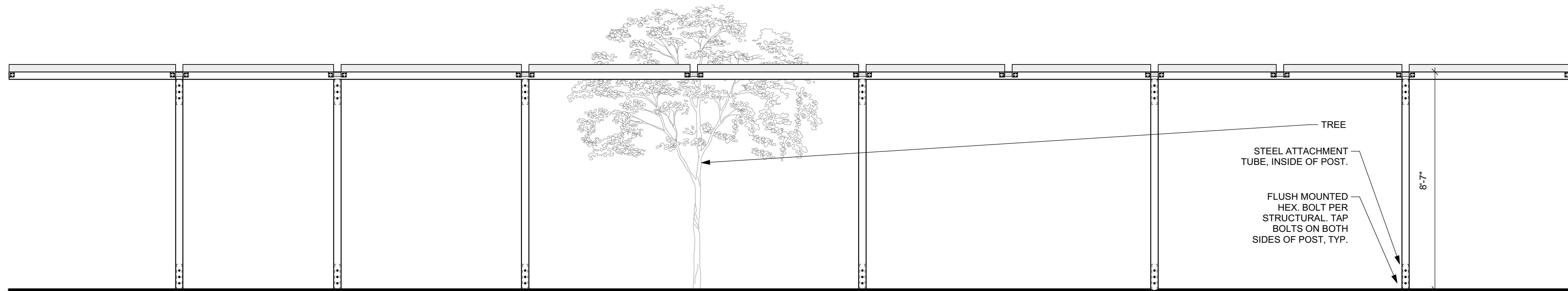
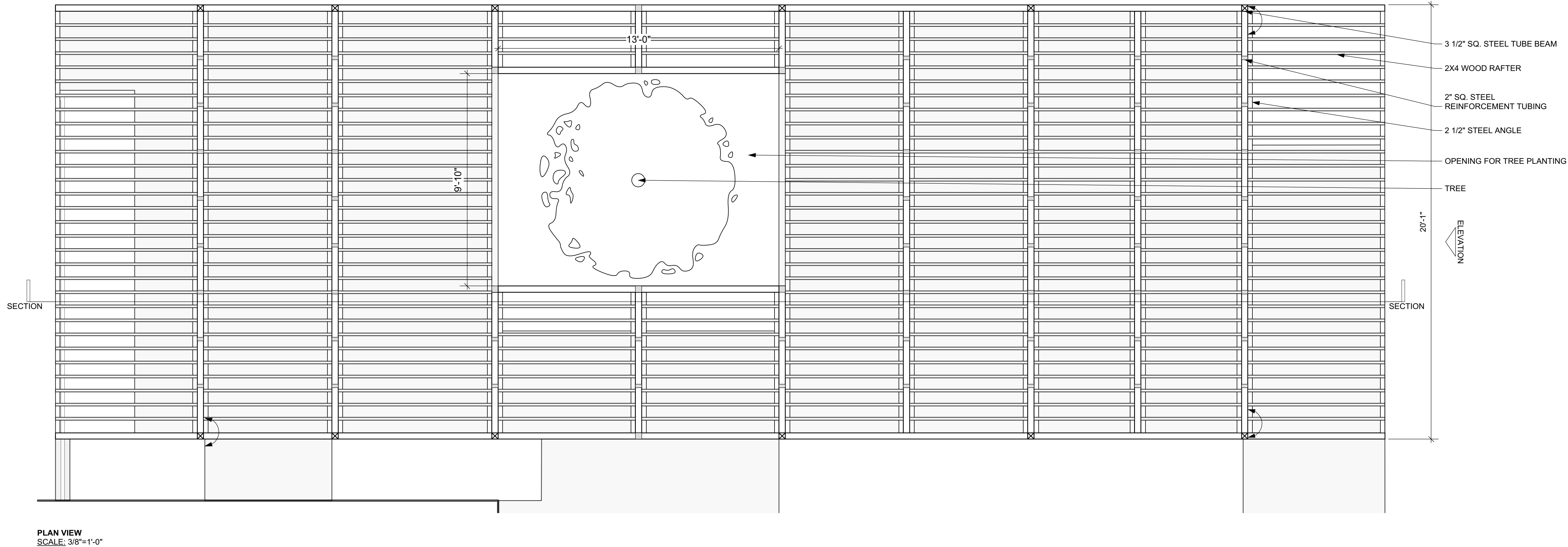
Revisions:

06.23.14 Site Development Permit Amendment
12/05/14 Site Dev. Permit Amend. Rev 1
05.19.15 Site Dev. Permit Amend. Rev. 2

Drawn: BLA
Issue Date: 23-Jun-14
Checked: EB
Scale: As Noted

Sheet:
L-5.0
SCHEMATIC

These drawings are the property of Blasen Landscape Architecture and the Client and have been prepared specifically for this project. These drawings are not to be used for any other project, by any other entity, or in another location. These drawings are not transferable to any third party without permission by client or architect.



Pan Residence, 1000 Country Club Drive, Milpitas, CaliforniaAmendment to Site Development Permit05.19.15

The design for the Pan Family at 1000 Country Club Drive is the culmination of a long road for the project at that address. Having remained unfinished since beginning construction in 2003, Theresa purchased the property in its current form and has taken on the task of completing the residence to reflect her lifestyle and to fit within the context of the surrounding foothills.

From Country Club Drive, the view will remain largely unchanged. The driveway entrance location is as originally permitted, with the gate and intercom moving to 56'-0" up the driveway to improve general neighborhood vehicular safety. A new gate will welcome visitors into the property, while the remaining landscape, an asphalt driveway, decomposed granite walking pathways, new lawn area, outdoor dining space, deer fencing, edible garden, and a permeable surface parking area for guests are kept close to the main structure, while most of the remaining property is kept in its natural state.

The landscape design will sit lightly on the site, keeping as many mature trees as possible and using native and drought tolerant plant species. We propose improving the poor soils on site with compost additions, establishing clear mulch areas around existing trees, and removing any dead or dying brush. The existing hillside is intended to be kept in its natural state without excessive terracing and fill. The project intends to preserve, protect, and restore vegetation and mature trees on site. Proposed screen planting is intended to maximize privacy between the house and the golf course, and the views from valley floor and Interstate 680. Proposed landscape plants include a mix of fast, moderate and slow growing plant materials. Specimen trees around the house will help provide scale and soften the structures overall appearance. Landscape irrigation includes using well water and water conserving irrigation systems, such as drip irrigation, low flow sprinklers and automatic controls and weather station. Proposed site fencing is an openwork design, wood, maintains the rural character of the hills, and does not block vehicle or pedestrian site lines. The landscape design incorporates the city's hillside ordinance requirements through proper irrigation, dead wood removal, and planting.

Architecturally, this project retains the existing footprint of the originally permitted residential structure and attempts to 'quiet' the massing by reducing roof protrusions, lowering raised clerestory roofs, and removing non-functional Juliette balconies. We propose to replace the partially installed lightweight slate roof, which has not held up to the considerable winds in that location, with a standing seam copper roof, pre-patinaed to a rich dark brown. The main body of the structure will be clad in stucco as originally intended, painted a mid-range earthy tone to blend in with the surrounding hillside vegetation. The lower portion of the structure will be clad in limestone, some of which has already been installed prior to Theresa's purchase of the property. A patio and vegetable garden towards the rear of the house are meant to be a retreat and sanctuary for Theresa and her family to gather, while a permeable surface area at the garage entrance level will provide ample space for her extended family and friends to park their vehicles.

The project uses sustainable building practices wherever feasible. With the goal to make a more energy efficient structure, we propose a new ground mounted solar array on the southern portion of property to serve most of the electrical needs of the main residence. This array would be mounted as close to the ground as is feasible, and yet be held off natural grade to allow water to penetrate back into the ground and replenish the surrounding water table. Additionally, as a part of the "Built it Green" requirement and because it is simply the right thing to do, the project will employ environmentally-friendly materials and building systems. The house will incorporate the latest earth friendly technologies including a series of highly efficient energy recovery ventilators with zoned heating and cooling, and interior materials with recycled and non-toxic contents.

While the existing structure on site may be non-confirming with regard to current height and building size requirements, the new project in its entirety does not propose to physically increase the size of the residence nor does it propose to raise its height, and in fact we propose to lower the roof over some portions of the footprint. Additionally, as we have enlarged the project parcel and extended the property limits towards the south, the residence is well away from all property lines.

Through an approved lot line adjustment, the project parcel size has been increased to 8.7 acres. While this does not bring the project Parcel into conformance with current zoning requirements for minimum lot size in this area, it is significantly larger than the original 4.62 acres and brings the impervious square footage into compliance. In addition to the enlargement of the project parcel, we also propose revising and enlarging an existing landscape easement. In order to maintain compliance with the City, 50% of the parcel is required to be encumbered and in this case we propose 60%. Our revised landscape easement covers more of the hillside to protect its natural state from development while the direct periphery of the house is left unencumbered so the client is able to create usable and accessible outdoor space.

Significant effort has been expended to assure that the proposed residence fits comfortably into its compact lot and is respectful of its neighbors. By avoiding any significant changes to the existing structure, adding vegetative screening and utilizing materials which are visually quiet and blend into the natural colors of the area, we have strived to create a positive compliment to the existing character of this part of Milpitas.

December 2, 2014
941-3A

Ms. Theresa Pan
P.O. Box 610910
San Jose, California 95161

**RE: SUPPLEMENTAL RECOMMENDATIONS
PAN RESIDENCE AND SITE IMPROVEMENTS
1000 COUNTRY CLUB DRIVE
MILPITAS, CALIFORNIA**

Dear Ms. Pan:

As requested, this letter was prepared to update our geotechnical report and present supplemental recommendations for the proposed site improvements and completion of construction of your residence located at 1000 Country Club Drive in Milpitas, California. As you know, we performed a geotechnical investigation for the design and construction of the residence and presented the results in our report, dated July 22, 2005. In addition, we performed a geotechnical review of the existing conditions of the site and partially constructed residence and presented our observations in our letter to you dated August 24, 2010. The scope of our geotechnical services for this project was presented in our agreement with you dated November 4, 2014.

PROJECT DESCRIPTION

The project consists of completing construction of your residence and construction of several additional site improvements at the referenced property. You plan to finish construction of the residence and associated site improvements at this time. We understand that the existing residence footprint will be altered at the at-grade area of the residence at the southwest corner, which may include additional foundation elements. The exterior stairwell to the basement located along the southeast side of the residence will be removed and backfilled. The site retaining walls and front entry porch, stairs, and walkway planned along the front of the residence and at the southeast side of the residence will be constructed and the driveway will be paved.

Additional improvements include installation of two 5,000 gallon steel water tanks southeast of the residence near an existing water tank. The tanks will be approximately 12 feet in diameter and 7.5 feet in height. We understand that the tanks will be supported on concrete slabs which will be constructed about 3 feet below grade in order to partially hide them.

In addition, a solar panel array is planned on a gently sloping area approximately 450 feet southeast of the residence in the expanded portion of the property. We understand that the solar panels will be supported on concrete piers extending about 6 feet below grade. Structural loads are expected to be relatively light as is typical for this type of construction.

PREVIOUS SITE INVESTIGATIONS

We performed a geotechnical investigation for design and construction of the residence and associated site improvements; the results were presented in our report dated July 22, 2005. The site investigation included advancing three exploratory borings to depths ranging between 15 to 20 feet. Our exploratory borings generally encountered approximately 4.5 to 6 feet of soft to very stiff sandy lean clay (including some surface fill) of low plasticity underlain by very severely weathered sandstone and claystone bedrock. Site development included extensive cuts and fills to create the building pad and driveway alignment. Due to the variable support conditions, our report recommended that the residence be supported on a pier and grade beam foundation bearing in weathered bedrock below the fill and native soil and on a structural mat at the basement level bearing in weathered bedrock. The approximate locations of the borings are shown on Figure 1 and the boring logs are attached.

The west portion of the site, including part of the proposed building area, is located within the State of California Alquist-Priolo Earthquake Fault Zone. The Seismic Hazard Zones Map of the Milpitas Quadrangle prepared by the California Geological Survey (2004) also indicates that portions of the site are located in an earthquake-induced landslide hazard zone. The previous report also discussed our review of the previous geotechnical report prepared by Engeotech, Inc., dated April 28, 2002, and an addendum to the Geologic Hazards Evaluation Letter prepared by John Coyle & Associates, Inc., dated September 30, 2002. Engeotech also reviewed the geologic conditions at the site and determined the potential for landsliding to occur at the site is low. Based on the information reviewed, Coyle judged the risk of seismically induced landsliding and fault rupture at the proposed building location is low.

Supplemental recommendations regarding new site retaining walls were presented in our letter dated November 2, 2005.

We performed a geotechnical review of the existing conditions of the site and partially constructed residence and presented our observations in our letter to you dated August 24, 2010. During our site reconnaissance, the residence had been partially constructed, including the foundations and floors, wood and steel framing, and roof. The driveway, patios, and exterior walkways were not constructed. The drainage system, such as roof downspouts, area drains, outfall facilities had not been installed.

SITE RECONNAISSANCE AND SOIL SAMPLING

On November 24, 2014, a member of our staff visited the property to observe current site conditions. The site was occupied by a multi-level, wood and steel frame residence that had a stucco or unfinished exterior. The residence had a basement level garage which daylighted along the northeast side. An unpaved driveway extended up from Country Club Drive to the garage level. The residence was constructed on a cut/fill building pad with moderate to steep slopes extending generally downward along the perimeter of the building pad.

As observed in 2010, the residence had been partially constructed with the foundations, wood and steel framing, and roof completed. The interior framing was exposed with no interior finishes completed. Where observed, the foundation appeared to be performing adequately. The exposed 2 to 5 foot high cut slopes along the front of the residence which were noted in 2010 remained and the front yard site walls had not been constructed. The cut slopes appeared to have remained relatively stable with some continued surface erosion and soil sloughing. We did not observe any indication of slope instability or adverse erosion along the slopes surrounding the building pad. The residence and site generally appeared to be in similar condition as observed during our previous investigation and site visit.

The property now also includes the large parcel to the southeast of the residence area as shown on Figure 1. The expanded area consists of gently to moderately sloping terrain covered by a heavy grown on native vegetation.

The soil conditions at the location of the proposed water tanks were investigated by sampling the surface soil. The soils were continuously sampled to a depth of approximately 31 inches using a hand auger. At the location of this shallow boring, we encountered very stiff to hard, moist, sandy lean clay of low plasticity. The location of the shallow boring is shown on Figure 1 and the boring log is attached.

EARTHQUAKE DESIGN PARAMETERS

The State of California currently requires that all buildings be designed in accordance with the seismic design provisions presented in the 2013 California Building Code and in ASCE 7-10, "Minimum Design Loads for Buildings and Other Structures." Based on site geologic conditions and on information from our subsurface exploration at the site, the site may be classified as Site Class C, very dense soil and soft rock, in accordance with Chapter 20 of ASCE 7-10. Spectral acceleration response parameters S_S and S_1 , and site coefficients F_a and F_v , may be taken directly from the figures and tables in the 2013 California Building Code and in the lookup tables at the U.S.G.S. website based on the latitude and longitude of the site. For the site latitude (37.4543) and longitude (-121.8834) and Site Class C, $SD_s = 1.461g$, and $SD_1 = 0.784g$.

CONCLUSIONS AND UPDATED RECOMMENDATIONS

Based on the findings from our recent site visit, our July 22, 2005 geotechnical report and supplemental letters, and review of information in our files, it is our opinion that the conclusions and recommendations presented in our previous reports may be used for the completion of the residence construction and the proposed site improvements, except as modified/updated below.

In our opinion, where new foundations are needed to support the proposed alteration of the at-grade area of the residence, they may consist of a pier and grade beam foundation as presented in our July 22, 2005 geotechnical report. Construction of the previously planned site improvements such as site retaining walls, exterior flatwork and pavement, grading,

and site drainage should follow as recommended in our previous report and supplemental retaining wall letter dated November 2, 2005.

The proposed solar array may be supported on a drilled pier foundation as recommended below. We understand that the proposed water tanks will be mounted on a structural slab constructed about 3 feet below grade. In our opinion, the water tanks may be supported on a structural slab bearing on stiff to very stiff native soil.

If differing conditions than anticipated are exposed during construction, our office should provide additional geotechnical recommendations for the project accordingly.

FOUNDATIONS

Drilled Piers for the Solar Array

In our opinion, the solar array may be supported on a drilled pier foundation. Piers should have a minimum diameter of 16-inches. From a geotechnical viewpoint, drilled piers should extend at least 6 feet below existing grade, however, the structural engineers requirements may result in a deeper pier depth. The piers may be designed for an allowable skin friction of 450 pounds per square foot for dead plus live loads, starting 2 feet below grade, with a one-third increase allowed when considering additional short-term wind or seismic loading. An allowable uplift skin friction of 350 pounds per square foot, starting 2 feet below grade, may be assumed for design. From a geotechnical viewpoint, piers should be reinforced in the vertical direction with the equivalent of at least four No. 4 bars. Piers should have a center-to-center spacing of at least three pier diameters.

Pier drilling should be observed by our representative to confirm that the pier holes extend the required minimum depth, expose the anticipated competent material, and are properly cleaned or all loose or soft soil and debris. The minimum pier depths recommended above may require adjustment if soft conditions are encountered during drilling.

Concrete should be placed in the pier excavations as soon as practical after drilling. Ground water seepage may be encountered during pier drilling and it is possible that ground water seepage could cause some sloughing or caving of the pier holes. If limited seepage of water were to occur, concrete would need to be placed in the pier holes by the tremie method or the water pumped from the pier excavation prior to concrete placement.

Lateral loads on the piers may be resisted by passive earth pressure based on an equivalent fluid pressure of 300 pounds per cubic foot acting on 1.5 times the projected area of the pier. Passive resistance of the upper 2 feet of the soil should be neglected.

Structural Slab for the Water Tanks

In our opinion, the proposed water tanks may be supported on a structural slab/mat foundation bearing in stiff native soil. In our opinion, the slab/mat should be designed to be more heavily reinforced than a conventional concrete slab and at least 6 inches in thickness in order to support the loads from the proposed water tanks.

The slab/mat may be designed for an average allowable bearing pressure of 2,000 pounds per square foot for combined dead plus live loads. These pressures may be increased by one-third for total loads including wind or seismic forces. These pressures are net values; the weight of the mat may be neglected in design. A modulus of subgrade reaction of 50 pounds per cubic inch may be assumed for the mat subgrade, if used for design.

If retaining walls are planned along the perimeter of the water tank excavation, if desired, the retaining walls may be supported on the slab/mat and the slab thickened as required by the structural engineer to support the wall loads.

The bottom of the slab/mat excavation should be cleaned of loose or soft soils. Our representative should observe the excavation to confirm that it exposes competent suitable material and to evaluate whether scarification and recompaction of the subgrade is needed. If competent and/or consistent soil conditions are not encountered across the excavation, some further excavation and supplemental recommendations likely will be required.

Lateral loads may be resisted by friction between the bottom of the slab/mat and the supporting subgrade. A coefficient of friction of 0.3 may be assumed. In addition to friction, lateral resistance may be provided by passive soil pressure acting against the sides of foundations cast neat in footing excavations. We recommend assuming an equivalent fluid pressure of 300 pounds per cubic foot for passive soil resistance, where appropriate. The upper foot of passive soil resistance should be neglected where soil adjacent to the footing will be landscaped or subject to softening from rainfall and/or surface water runoff.

Settlement

Thirty year differential movement due to static loads is not expected to exceed $\frac{3}{4}$ -inch across the proposed solar array foundations and water tanks, provided they are designed and constructed as recommended.

RETAINING WALL RECOMMENDATIONS

Supplemental geotechnical recommendations for the project retaining walls are presented in the following section of this letter. The recommendations for lateral loads on walls, wall drainage, and backfill presented in our referenced report and letter may be used for the project except as modified herein. We expect that site retaining walls will be supported on a drilled pier foundation as previously recommended.

Seismic Loads on Retaining Walls

Based on the site peak ground acceleration (PGA), on Seed and Whitman (1970); Al Atik and Sitar (2010); and Lew et al. (2010); seismic loads on retaining walls that can yield may be simulated by a line load of $20H^2$ (in pounds per foot, where H is the wall height in feet). Seismic loads on walls that cannot yield may be subjected to a seismic load as high as about $27H^2$. This seismic surcharge line load should be assumed to act at $1/3H$ above the

base of the wall (in addition to the active wall design pressure of 45 or 65 pounds per cubic foot previously recommended).

FOLLOW-UP GEOTECHNICAL SERVICES

To confirm that our recommendations are properly understood and implemented, we recommend that we be retained to 1) review the grading and foundation plans for conformance with our recommendations and 2) observe and test during earthwork and foundation construction.

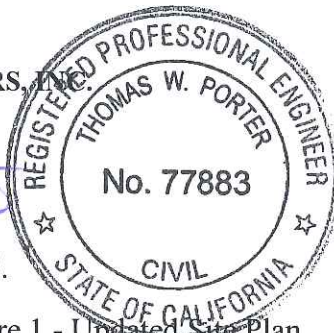
We make no warranty, expressed or implied, except that our services are performed in accordance with geotechnical engineering principles generally accepted at this time and location.

Please call if you have any questions or comments concerning the conclusions and updated geotechnical recommendations for the project presented in this letter.

Very truly yours,

ROMIG ENGINEERS, INC.

Tom W. Porter, P.E.



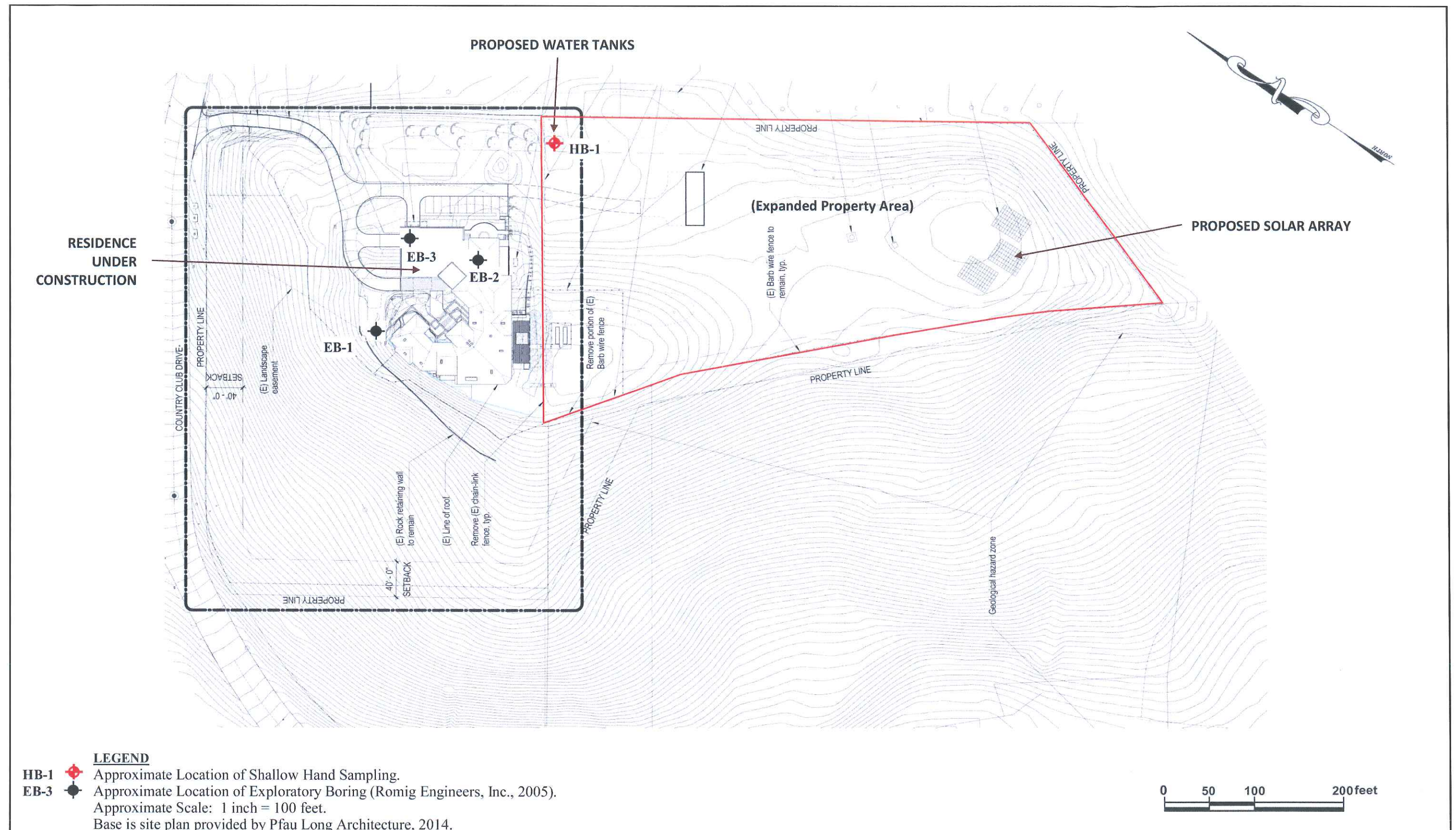
Glenn A. Romig, P.E., G.E.



Attachments: Figure 1 - Updated Site Plan
Key to Exploratory Boring Logs
Shallow Boring Log HB-1
Exploratory Boring Logs EB-1, EB-2, and EB-3

Copies: Addressee (1)
Pfau Long Architecture (3)
Attn: Ms. Meagan Dickemann
Mr. John Curry (via email)
Peoples Associates (via email)
Attn: Mr. Jeff Medeiros
Lea & Braze Engineering, Inc. (via email)
Attn: Mr. Pete Carlino

GAR:TWP:dr



SITE PLAN
PAN RESIDENCE
MILPITAS, CALIFORNIA

ROMIG ENGINEERS, INC.

FIGURE 1
DECEMBER 2014
PROJECT NO. 941-3A

USCS SOIL CLASSIFICATION

PRIMARY DIVISIONS			SOIL TYPE	SECONDARY DIVISIONS
COARSE GRAINED SOILS ($< 50\%$ Fines)	GRAVEL	CLEAN GRAVEL ($< 5\%$ Fines)	GW	Well graded gravel, gravel-sand mixtures, little or no fines.
			GP	Poorly graded gravel or gravel-sand mixtures, little or no fines.
		GRAVEL with FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SAND	CLEAN SAND ($< 5\%$ Fines)	SW	Well graded sands, gravelly sands, little or no fines.
			SP	Poorly graded sands or gravelly sands, little or no fines.
		SAND WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS ($> 50\%$ Fines)	SILT AND CLAY Liquid limit $< 50\%$		ML	Inorganic silts and very fine sands, with slight plasticity.
			CL	Inorganic clays of low to medium plasticity, lean clays.
			OL	Organic silts and organic clays of low plasticity.
	SILT AND CLAY Liquid limit $> 50\%$		MH	Inorganic silt, micaceous or diatomaceous fine sandy or silty soil.
			CH	Inorganic clays of high plasticity, fat clays.
			OH	Organic clays of medium to high plasticity, organic silts.
HIGHLY ORGANIC SOILS			Pt	Peat and other highly organic soils.
BEDROCK			BR	Weathered bedrock.

RELATIVE DENSITY

SAND & GRAVEL	BLOWS/FOOT*
VERY LOOSE	0 to 4
LOOSE	4 to 10
MEDIUM DENSE	10 to 30
DENSE	30 to 50
VERY DENSE	OVER 50

CONSISTENCY

SILT & CLAY	STRENGTH^	BLOWS/FOOT*
VERY SOFT	0 to 0.25	0 to 2
SOFT	0.25 to 0.5	2 to 4
FIRM	0.5 to 1	4 to 8
STIFF	1 to 2	8 to 16
VERY STIFF	2 to 4	16 to 32
HARD	OVER 4	OVER 32

GRAIN SIZES

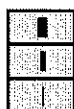
BOULDERS	COBBLES	GRAVEL		SAND			SILT & CLAY
		COARSE	FINE	COARSE	MEDIUM	FINE	
12 "	3"	0.75"		4	10	40	200
SIEVE OPENINGS				U.S. STANDARD SERIES SIEVE			

Classification is based on the Unified Soil Classification System; fines refer to soil passing a No. 200 sieve.

* Standard Penetration Test (SPT) resistance, using a 140 pound hammer falling 30 inches on a 2 inch O.D. split spoon sampler; blow counts not corrected for larger diameter samplers.

^ Unconfined Compressive strength in tons/sq. ft. as estimated by SPT resistance, field and laboratory tests, and/or visual observation.

KEY TO SAMPLERS



Modified California Sampler (3-inch O.D.)

Mid-size Sampler (2.5-inch O.D.)

Standard Penetration Test Sampler (2-inch O.D.)

KEY TO EXPLORATORY BORING LOGS
PAN RESIDENCE
MILPITAS, CALIFORNIA

FIGURE A-1
DECEMBER 2014
PROJECT NO. 941-3A

DRILL TYPE: Hand Auger

LOGGED BY: TWP

DEPTH TO GROUND WATER: Not Encountered. **SURFACE ELEVATION:**

DATE DRILLED: 11/24/14

CLASSIFICATION AND DESCRIPTION	SOIL CONSISTENCY/ DENSITY or ROCK HARDNESS* (Figure A-2)	SOIL TYPE	SOIL SYMBOL	DEPTH (FEET)	SAMPLE INTERVAL	SPT RESISTANCE (Blows/ft)	WATER CONTENT (%)	SHEAR STRENGTH (TSF)*	UNCONFIN. COMP. (TSF)*
Brown, Sandy Lean Clay, moist, fine to medium sand, trace fine gravels, low plasticity.	Very Stiff to Hard	CL		0			17		
							14		
							12		
Bottom of Boring at 31 inches.									
				5					
				10					
				15					

Note: The stratification lines represent the approximate boundary between soil and rock types, the actual transition may be gradual.

*Measured using Torvane and Pocket Penetrometer devices.

SHALLOW BORING LOG HB-1
PAN RESIDENCE
MILPITAS, CALIFORNIA

BORING HB-1
DECEMBER 2014
PROJECT NO. 941-3A

DRILL TYPE: Track mounted CME-55 Drill with 4" Continuous Flight Auger.

LOGGED BY: NWA

DEPTH TO GROUND WATER: Not Encountered. **SURFACE ELEVATION:** NA

DATE DRILLED: 6/28/05

CLASSIFICATION AND DESCRIPTION	SOIL CONSISTENCY/ DENSITY or ROCK HARDNESS* (Figure A-2)	SOIL TYPE	SOIL SYMBOL	DEPTH (FEET)	SAMPLE INTERVAL	SPT RESISTANCE (Blows/ft)	WATER CONTENT (%)	SHEAR STRENGTH (TSF)*	UNCONFIN. COMP. (TSF)*
Fill: Light brown to medium brown, Sandy Clay, moist, fine to coarse sand, fine to coarse gravel, low plasticity.	Stiff	CL		0	---	9	6		
Medium brown, Sandy Clay, moist, fine to coarse sand, low plasticity, residual soil. ■ Liquid Limit = 28%, Plasticity Index = 11%.	Stiff to Very Stiff	CL			■	21	5		
					---	30	6		
				5					
Light brown, Sandstone, moist, very severely weathered.	Soft*	BR							
									
									
Resistance from 8 to 9.5 feet does not represent bedrock hardness due to slough at the bottom of the excavation during sampling.									
				10					
									
									
									
Note: The stratification lines represent the approximate boundary between soil and rock types, the actual transition may be gradual.				15		65	6		
*Measured using Torvane and Pocket Penetrometer devices.									
▲ Free Swell = 30%.					▲	27	5		
Bottom of Boring at 19 Feet.				20					

EXPLORATORY BORING LOG EB-1
MARTINEZ RESIDENCE
MILPITAS, CALIFORNIA

BORING EB-1
JULY 2005

DRILL TYPE: Track mounted CME-55 Drill with 4" Continuous Flight Auger.

LOGGED BY: NWA

DEPTH TO GROUND WATER: Not Encountered. **SURFACE ELEVATION:** NA

DATE DRILLED: 6/28/05

CLASSIFICATION AND DESCRIPTION	SOIL CONSISTENCY/ DENSITY or ROCK HARDNESS* (Figure A-2)	SOIL TYPE	SOIL SYMBOL	DEPTH (FEET)	SAMPLE INTERVAL	SPT RESISTANCE (Blows/ft)	WATER CONTENT (%)	SHEAR STRENGTH (TSF)*	UNCONFIN. COMP. (TSF)*
Light brown to medium brown, Sandy Clay, moist, fine to coarse sand, residual soil. Animal burrows 0 to 2 feet.	Soft to Stiff	CL		0		6	8		
						15	11		
				5		12	10		
Light brown, Sandstone, moist, very severely weathered. Resistance from 8 to 9.5 feet does not represent bedrock hardness due to slough at the bottom of the excavation during sampling. Note: The stratification lines represent the approximate boundary between soil and rock types, the actual transition may be gradual. *Measured using Torvane and Pocket Penetrometer devices.	Soft*	BR		10		15	11		
				15		23	13		
				20		56	12		
Bottom of Boring at 20 Feet.									

EXPLORATORY BORING LOG EB-2
MARTINEZ RESIDENCE
MILPITAS, CALIFORNIA

BORING EB-2
JULY 2005

DRILL TYPE: Track mounted CME-55 Drill with 4" Continuous Flight Auger.

LOGGED BY: NWA

DEPTH TO GROUND WATER: Not Encountered. **SURFACE ELEVATION:** NA

DATE DRILLED: 6/28/05

CLASSIFICATION AND DESCRIPTION	SOIL CONSISTENCY/ DENSITY or ROCK HARDNESS* (Figure A-2)	SOIL TYPE	SOIL SYMBOL	DEPTH (FEET)	SAMPLE INTERVAL	SPT RESISTANCE (Blows/ft)	WATER CONTENT (%)	SHEAR STRENGTH (TSF)*	UNCONFIN. COMP. (TSF)*
Light brown to medium brown, Sandy Clay, moist, fine to coarse sand, residual soil.	Soft to Stiff	CL		0					
						5	15		
						6	14		
						27	15		
Light brown, Sandstone, moist, very severely weathered.	Soft*	BR		5					
Light brown, Claystone, moist, very severely weathered.	Soft*	BR							
▲ Free Swell = 50%.				10					
				15					
Bottom of Boring at 15 Feet.									
Note: The stratification lines represent the approximate boundary between soil and rock types, the actual transition may be gradual.									
*Measured using Torvane and Pocket Penetrometer devices.				20					

EXPLORATORY BORING LOG EB-3
MARTINEZ RESIDENCE
MILPITAS, CALIFORNIA

BORING EB-3
JULY 2005



MILPITAS PLANNING COMMISSION STAFF REPORT

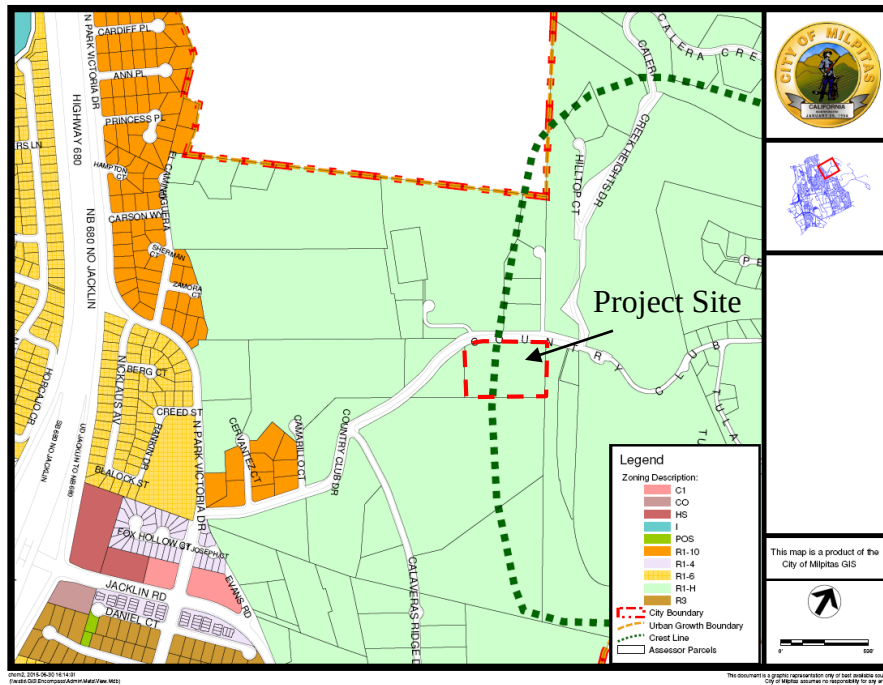
July 8, 2015

APPLICATION:	Pan Residence – SA14-0002 – 1000 Country Club Drive: A request for a Site Development Permit Amendment for various site and building modifications to an existing hillside home currently under construction, lot line adjustment and reconfiguration of the existing open space easement.
RECOMMENDATION:	Staff recommends that the Planning Commission: Adopt Resolution No. 15-025 recommending approval to City Council for Site Development Permit Amendment No. SA14-0002 to allow for various site and building modifications, lot line adjustment and reconfigure an existing open space easement subject to the findings and conditions of approval.
LOCATION:	
Address/APN:	1000 Country Club Drive (APN 29-03-014)
Area of City:	Hillside
PEOPLE:	
Project Applicant:	Theresa Pan, SAN Partners, LLC
Consultant(s):	Peter Pfau, Pfau Long Architects
Property/Business Owner:	Theresa Pan
Project Planner:	Cindy Hom, Assistant Planner
LAND USE:	
General Plan Designation:	Hillside Medium Density (HMD)
Zoning District:	Single Family Residential with Hillside Combining District (R1-H)
Overlay District:	Site and Architectural Overlay (-S)
ENVIRONMENTAL:	Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities), Section 15303 (New Construction of Small Structures) 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

A request for a Site Development Permit Amendment for minor various site and building modifications to an existing hillside home currently under construction. Currently there are active building permits that have been extended to complete the construction of the home. The purpose of the proposed modifications is to make the home compliant with the current building codes, improve the driveway approach condition, and provide for a more contemporary architecture and site design. The project includes a lot line adjustment and reconfiguration of an existing open space easement.

Map 1 Project Location



Map 2 Project Site



BACKGROUND

History

In 1973, a single story house was legally constructed in Santa Clara County on the property located at 1000 Country Club Drive prior to annexation to the City in 1975. The home's crestline location and a substandard setback on the south property line (25 feet instead of 40 feet) made it a legal, non-conforming building.

In 1989, the previous owner applied for a Variance (No. 459) to locate a detached two-car garage along the crestline approximately 10 feet from the house. That Variance and related Site Development Permit was approved with the condition that the garage be attached to the house.

In October 2003 the Planning Commission recommended approval to the City Council for a Planned Unit Development Permit (PD2002-2) and Environmental Impact Assessment (EA2002-10) for the removal and replacement of the existing one-story house with a new 12,571 square feet house on two levels:

- An 8,278 square feet upper entry level
- A lower level with 4,293 square feet of living space (*2,809 of which is below grade*) and 1,858 square feet of unconditioned area—of which approximately two-thirds is an indoor pool and one-third is a below grade storage area. Only conditioned living space was counted in determining the maximum size of a residence. Beneath the lower living level, there is a 2,949 square feet below-grade 6-car garage/shop and a covered motor court; an elevator links all three levels.

The architecture of the house is characterized by a concrete tile roof with stucco and limestone-veneer covered walls. The building height ranged from 17 feet to 27 feet above finished grade. The permit was approved by the City Council on November 5, 2002.

In June 2003, the Planning Commission Subcommittee approved a Site Development Permit Amendment (SA2003-79) to allow for an exterior color change and comply with Special Conditions in regards to a revised building setback of 40 feet, extension of stone veneer along the south elevation and location of the building envelope for a hillside residence.

In November 2003, the City Council approved a Certificate of Compliance to create a legal lot of record as required by the conditions of approval for the Planned Unit Development permit.

In May 2004, the Planning Commission granted a one-time eighteen month time extension of the permit approvals for the hillside home and associated site improvements.

The house began construction in 2005 but remains uncompleted.

The Application

On August 7, 2014, Theresa Pan with San Partners LLC submitted a Site Development Permit Amendment to allow for minor building and site modifications to a hillside home that is currently under construction. The request also includes a lot line adjustment and reconfiguration of an existing open space and landscape easement. The project is submitted pursuant to Milpitas Municipal Code XI-10-57.03-1 (J) (Modifications of or Amendment) and XI-10-45.09 (Site and

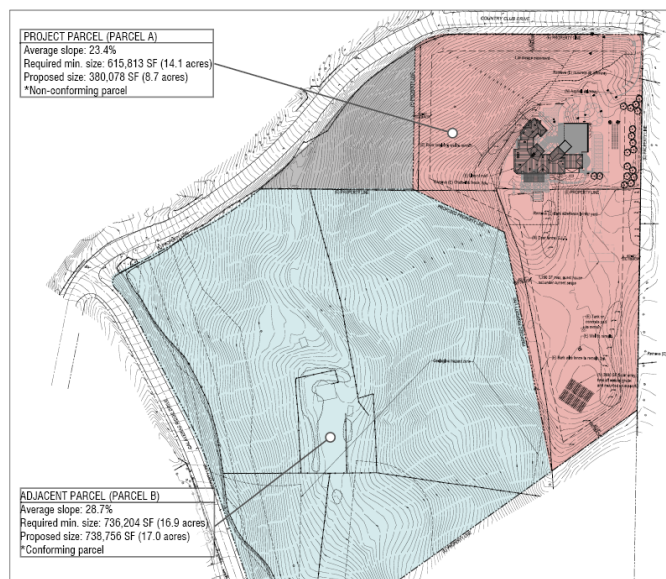
Architectural Review) of the Milpitas Zoning Ordinance for Planning Commission and City Council review and approval.

PROJECT DESCRIPTION

Overview

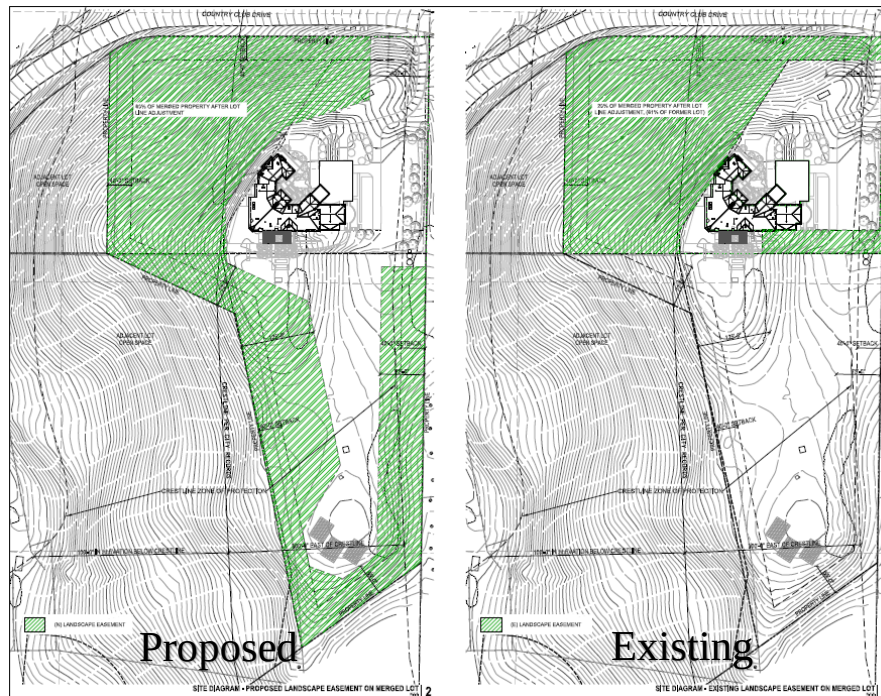
The project proposes various site and building modifications that are described in further detail below. The project also includes a lot line adjustment and reconfiguration of the existing open space easement. The same property owner also owns the adjacent lot (approximately 21-acres) to the south and submitted a lot line adjustment concurrent with this application. The lot line adjustment would increase the existing 4.62-acre parcel to 8.7 acres. As demonstrated in the Map Exhibit below, the adjacent parcel remains conforming. The project site is currently non-conforming and remains non-conforming even with the lot line adjustment. The lot line adjustment reduces the non-conformity and therefore can be supported by staff.

**Map 3:
Lot Line Adjustment**



The existing open space and landscaping easement currently covers 61% of the existing lot. With the lot line adjustment, the open space easement would be reconfigured to encompass the added area and encumber 60% of the lot as open space to comply with the provision for open space easements for hillside developments, which require a minimum of 50% of the gross area to be encumbered with an open space easement in favor of the City. The map exhibit below depicts the existing and proposed reconfiguration of the open space easement. Per Milpitas Municipal Code (MMC) XI-10-45-.08-2, reconfiguration of the open space easement may be granted, at a public hearing by the City Council provided that the net acreage is not decreased.

Map 4: Open Space Easement Exhibit



Site Improvements

Driveway

The project proposes to widen the driveway apron on Country Club Drive to improve the site distance for the approach onto and off the project site and adjust the existing driveway approach to achieve the required slope to meet Fire Department requirements for emergency vehicle ingress and egress. The modifications require grading and installation of stepped retaining walls approximately 2 to 4-feet in height along the west side of the driveway and a 2 to 4-foot retaining wall on the east side of the driveway. A new trash and recycling pad would be constructed at the lower level of the driveway. Trash and recycling bins would be placed on this pad on the trash collection days only.

Paving

The project proposes a new gravel area adjacent to the porte-cochere shown on the east elevation. The gravel area is intended to keep guest parking on a relatively flat area, closest to the main residence. New grass pavers will be installed for the fire turnaround area. The project would add a combination of crushed stone and concrete paths and stairs that connect outdoor patio space to the main residence on the southeast and northeast elevation.

Accessory Structures

The project includes installation of the following structures:

- Landscaping Walls - New concrete landscaping walls with stone coping and cladding are proposed to enhance the main front entrance. A series of three (3) dry-stack rock walls

that are approximately 2-feet in height are proposed along the southeast corner of the building. The purpose of the stepped walls is to transition the grade difference between the building and finished grade, as well as screen the mechanical equipment.

- Balcony Railing and Fencing – The project proposes a new balcony railing consisting of steel and wood guardrails for the new patio deck along the north and southwest elevation and on the guest deck level of the main residence. A new six-foot deer (comprised of wood and wire) fence would be installed to encompass a portion of the rear yard where the proposed outdoor entertainment patio and vegetable garden areas are located.
- Solar Panels – The applicant proposes a ground mounted three solar panel array on the southern portion of the property to serve most of the electrical needs of the main residence. This array would be raised slightly above the natural grade to allow the penetration of water into the ground.
- Above Ground Tanks – Although the project is already connected to city services, the project proposes to remove an existing water tank and install a new well and two 5,000 gallon plastic water tanks that are partially below grade and screened with landscaping. The proposed well and water tanks are located near the eastern property boundary. The tanks will be used for landscape irrigation.
- Outdoor Patios – Two new outdoor patio areas are proposed on the northeast and southeast elevation. The southeast outdoor patio is designed as an outdoor entertainment space consisting of a stone patio with a wood and metal trellis. The second patio is located on the east side of the building. The previous approval had a fountain feature in this location. The project would demolish the fountain feature and convert it to patio space. The patio would consist of stone pavers and a decorative balcony railing.

Architectural Changes

The project proposes minor architectural modifications to the roof and exterior façade. The proposed modifications include lowering the roof pitch on certain areas of the roof and removing awkward roof protrusions and non-functional Juliette balconies. The applicant also proposes to replace the lightweight slate tile roof with a standing seam metal copper roof that will be painted a brown color to match and blend with the natural landscape. The project is subject to high winds and the existing lightweight slate tiles have not held up to the considerable winds. Other changes to the body of the building include:

- Removing the existing window frames to achieve square openings as well as installation of additional windows, light wells, and operable skylights.
- Removing stone cladding that was approved on the front elevation. As mentioned above, this area will include a new landscaping wall that include a stone coping and cladding that would match the existing cladding and provide a visually solid base similar to what was previously approved.

Floor Plan Changes

The applicant proposes minor floor plan changes that consist of the following:

- Remodel stairs at foyer.

- Reconfigure existing interior walls.
- Remove and replace an indoor pool, sauna and steam room, and exercise/massage room located on the lower level with a new great room and three new bedrooms.
- Remodel existing catering pantry, and
- Replace home theatre room with a hobby/sewing room.

Location and Context

The project site is on a 4.62-acre lot that is developed with an unfinished hillside home currently under construction and existing vegetation. The rectangular shaped lot is located near the Country Club Drive cul-de-sac. The project site is bounded by Country Club Drive to the north, Summitpointe Golf Course and residential community to the east, and single family residences to the south and west.

The General Plan designation is Hillside Very Low Density and the Zoning designation is Single Family Residential with the Hillside Combining District and Site and Architectural overlay. The subject site straddles the crestline that separates the Western Face and Eastern Hills portions of the Milpitas Hillside Planning Area. The project site is located within the Urban Growth Boundary and Urban Service Area. Surrounding uses include vacant, undeveloped parcels to the north, a golf course and a gated residential community to the east and northeast, and hillside homes to the west and south. The site also falls within the Alquist-Priolo Special Study Zone for seismic hazards. Vicinity and location maps of the subject site location are provided on Page 2.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The proposed project is consistent with the Milpitas General Plan in terms of land use and density. The project entails site and building modifications to a previously approved hillside home. The General Plan designation is Hillside Low Density which allows one unit per one gross acre. The project is also consistent with the following General Plan policies and principles:

- 2.a-G-3, which encourages a variety of housing types and densities that met the needs of individuals and families.
- 2.a-l-18: retains the natural character of the hillside by utilizing designs, colors, and materials that blends with the environment and terrain.
- 5.a-1-2: minimizes the threat to life and property through identification of active fault traces and geologic hazard zones.

The project conformance with the Zoning Ordinance and Hillside Development standards are discussed in the sections below:

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Hillside Combining District set aside in the Zoning Ordinance.

Table 1:
Summary of Development Standards in the Hillside Combining District

Development Standards	Required	Existing/ Previously Approved	PUD	Proposed	Complies
Lot Area (Acres)*	14.1	4.6		8.7 (with lot line adjustment)	No
Setbacks					
Front	40	210'			Yes
Side	40	245' and 127'		245' and 127'	Yes
Rear	40	20	E1**	670' (with lot line adjustment)	Yes
Size of Main Dwelling	10,000 sq. ft.	12,571 sq. ft.	E2***	11,658 sq. ft.	Yes
Impervious Surface Coverage	10% of lot, not to exceed 30,000 sq. ft.	19,347 s. f.		27,811 s. f.	Yes
Height	One-story, max. ht. 17' on westside of crestline, Two-story max. ht. 27 on eastside of crestline		E3****		Yes
Parking	7 (for 8 bdrms)	6		6 covered, 10 uncovered	Yes

* Exempted Lot Status per MMC 45.03-7. Lot created prior to adoption of Hillside Ordinance.

**E1 – PUD exception to allow deviation on setback requirement

***E2 – PUD exception to combine main dwelling and guest house square footage and exempting 1,858 square foot basement area (garage, covered pool and unconditioned basement).

****E3 – PUD exception to allow structure to be built in the crest zone of protection.

Site Layout, Access & Circulation

Main access to the project site is an existing 300+ foot driveway at the property's northeast corner and terminates in a circular turn-around in front of the existing garage.

Where it currently begins the loop for the turn-around, the proposed driveway will split with the east fork accessing the lower covered motor court and the below-grade garage. The west

fork ascends to a circular turn around at the entry level of the new house that is directly above the motor court and garage.

The proposed house has a rough “L” shaped footprint, with one wing aligned approximately in the north-south direction along the crestline right over the existing home’s footprint, and the other aligned in the east-west direction from the south property line. The upper driveway turn-around and an intensively landscaped front entry area are located between the wings.

Site & Architectural Design

The proposed architectural modifications are intended to “quiet” the massing of the building by removing some of the Provincial style architectural elements and ornamentation to provide a more contemporary California ranch style architecture, which incorporates typical architectural design elements such as L-shaped building footprint; simple, open floor plan, large windows; high ceilings; and exterior finishes consisting of stucco, wood, stone cladding and glass.

The Hillside Ordinance includes the following architectural guidelines. Based on the review of the application, the project complies with these standards as demonstrated in the Table 2 below:

**Table 2:
Compliance with Architectural Guidelines**

Site & Architectural Guidelines	Comments Regarding Subject Proposal
(a) Avoid Unreasonable Interference with Views and Privacy	The main residence was approved on the crestline with a PUD approval. The project does not change the location or height of the building. Project compliance with specified height limits and line of sight analysis determine the architectural modifications will not create an unreasonable interference with the views and privacy of nearby Hillside homes beyond what was previously approved. The building is proposed to be painted with earth tones to blend with the natural landscape.
(b) Preserve Natural Landscape	Site is already developed. The application will increase impervious surface areas within the 30,000 square foot limitation for lots more than 3 acres in size. Disturbance of existing contours (<i>natural & man-made</i>) will not be significant and limited developed portions of the site. Existing trees are to remain and protected in place.
(c) Minimize Perception of Excessive Bulk	The existing building form remains unchanged, however, the exterior façade has been simplified to reflect a more contemporary California Ranch style architecture. The squared window openings also help with the massing of the building. The landscaping treatment and stone cladding on the building and landscaped walls provide a visually solid base and helps “ground” the building and blend with the natural hillside setting.

(d) Impairment of Light & Air	The proposed building is over 600 ft. from the nearest home site and therefore, no impairment of light and air should occur.
(e) Grading	Minimal amount of earth will be disturbed on the site for the proposed site modifications. The impact on the natural contours will be minimal since most of the grading is in or around already developed portions of the site (<i>i.e. the driveway and existing home site</i>) and much of the earth movement is due to decreasing the slope of the driveway.

Landscaping & Open Space Design

The landscaping proposal maintains existing mature on-site trees and utilizing plant materials that are native and drought resistant. The plant selections and planting design are consistent with City Council Resolution No. 6066 (Hillside Landscaping and Water Conservation Policy and Fire Hazard Mitigation Measures) in that the planting consists of drought tolerant species, planted in areas to screen the home and preserve view sheds. This project removes water features such as the indoor pool and fountain features that were previously approved.

Grading

The project proposes to excavate approximately 3,626 cubic yards of soil and install 115 cubic yards of fill. Approximately 3,510 cubic yards of soil will be exported. Disturbance of existing contours (*natural & man-made*) will not be significant and limited to developed portions of the site such as the driveway, fire turn around, and motor court area. The grading activities relate to the driveway improvements to meet Fire Department requirements and improve the driveway approach.

Geologic

According to the General Plan Seismic and Geotechnical Map (Figure 5-2) and United States Geological Survey (USGS) Special Studies Zone Map, the project site is located within the Alquist-Priolo Special Study Zone and is located in areas with known expansive and unstable soils. Therefore, Geologic and Soils Studies are required to identify any significant seismic fault and/or slope instability hazards on the site that would threaten the proposed residence and to provide mitigation measures. A Geologic and Geotechnical Investigation and report were provided for the original approval (PD2002-2). A supplemental report was provided with this application to update geotechnical report and present supplemental recommendations for the proposed modifications. Based on the findings from site investigation and review of the previous reports, it was determined the previous conclusions and recommendation may be used for the completion of the residence construction and proposed site improvements as modified and updated with Supplement letter dated December 2, 2014.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Site Development Permit (Section XI-10-57-03-1(F))

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project will provide for a compatible and aesthetic development in that site layout and design of the proposed home provides an appropriate scale, massing and blends the natural setting. The proposed modifications such as the squared window openings, stone cladding and landscaping treatments minimizes the appearance of bulk, provides for a visually solid base that grounds the building, and provides architectural interest. The proposed colors and material are in keeping with natural earth tones and would complement the natural hillside setting.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The project is consistent with the Milpitas Zoning Ordinance as demonstrated in the sections above. The project complies with the hillside development standards and comply with the setback, height, maximum square footage, and impervious surface coverage regulations. In terms of the architectural guidelines, the proposed modifications improves the bulk and massing of the building with the proposed window openings, stone cladding and landscaping treatments. The proposed colors and material are in keeping with natural earth tones and would complement the natural hillside setting.

The project will not create unreasonable views or obstructions in that the project proposes minor exterior façade changes to the existing unfinished residence. The existing building form, location and height of the building remain unchanged from the previous approval. However, the roof lines would be lower on certain portions of the roof. Furthermore, the project will not impair light or air considering the home is located approximately 600-feet from the nearest adjacent home.

Grading and disturbance of existing contours (*natural & man-made*) will not be significant and limited developed portions of the site. Existing trees are to remain and protected in place.

3. *The project is consistent with the Milpitas General Plan.*

The project is consistent with the General Plan in terms of land use and density. The project is entails site and building modifications to a previously approved hillside residence that is under construction. The project is also consistent with the following General Plan policies and principles:

- 2.a-G-3, which encourages a variety of housing types and densities that met the needs of individuals and families.
- 2.a-l-18: retains the natural character of the hillside by utilizing designs, colors, and materials that blends with the environment and terrain.
- 5.a-1-2: minimizes the threat to life and property through identification of active fault traces and geologic hazard zones.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301, Section 15303 (New Construction of Small Structures) 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA). The project entails minor site and building modifications such as façade changes to an existing home, installation of minor structures include outdoor patio and trellis, and minor grading to site to adjust the slope of an existing driveway.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on 6/26/15. In addition, 17 notices were sent to owners and occupants within 500 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the August 4, 2015 Council agenda.

CONCLUSION

The project enables the completion of a hillside home currently under construction by modifying the site to improve the access condition and to implement architectural changes that are consistent with the design guidelines and comply with the zoning requirements for hillside developments

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution No 15-025

ATTACHMENTS

- A. Resolution No.15-025
- B. Project Plans
- C. Project Description
- D. Geologic/Geotechnical Assessment

RESOLUTION NO. 15-025**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA14-0002 FOR
SITE AND BUILDING MODIFICATIONS TO AN EXISTING HILLSIDE HOME, LOT
LINE ADJUSTMENT AND RECONFIGURATION OF EXISTING OPEN SPACE
EASEMENT LOCATED AT 1000 COUNTRY CLUB DRIVE (APN: 029-03-014)**

WHEREAS, on November 5, 2002, the City Council approved a Planned Unit Development (PUD) and Environmental Assessment for the construction of a new 12,571 square foot house and various site improvements on a 4.62 acre parcel. The PUD approval allowed the home to be constructed within the crestline zone of protection, combining the total square footage of the main residence and second family unit, reduced rear setback, and exempted unconditioned space (garage, covered pool and unconditioned basement) from the square footage calculations.

WHEREAS, on May 26, 2004, the Planning Commission approved a one-time, eighteen month time extension for Planned Unit Development permit approvals for the 12,571 square foot hillside home and associated site improvements.

WHEREAS, the construction for the new home began in 2005. There are active building permits that have been extended to allow completion of the home.

WHEREAS, on August 7, 2014, an application was submitted by Theresa Pan with SAN Partners LLC, P.O. Box 610910 San Jose, CA 95161 to allow for minor building and site modifications to a hillside home that is currently under construction. The request also includes a lot line adjustment and reconfiguration of an existing open space and landscape easement located at 1000 Country Club Drive. The property is located within Single Family Residential with Hillside Combining Zoning District (APN: 29-03-014).

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt under CEQA.

WHEREAS, on July 8, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Development Standards	Required	Existing/ Previously Approved	PUD	Proposed	Complies
Side	40	245' and 127'		245' and 127'	Yes
Rear	40	20	E1	670' (with lot line adjustment)	Yes
Size of Main Dwelling	10,000	12,571 sq. ft.	E2	11,658 sq. ft.	Yes
Impervious Surface Coverage	10% of lot, not to exceed 30,000 s. f.	19,347 s. f.		27,811 s. f.	Yes
Height	One-story, max. ht. 17' on the westside of crestline, Two-story max. ht. 27 on eastside of crestline		E3		Yes
Parking	7 (8 bdrm)	6		6 covered, 10 uncovered	Yes

The project will not create unreasonable views or obstructions in that the project proposes minor exterior façade changes to the existing unfinished residence. The existing building form, location and height of the building remain unchanged from the previous approval. However, the roof lines would be lower on certain portions of the roof. Furthermore, the project will not impair light or air considering the home is located approximately 600-feet from the nearest adjacent home.

Grading and disturbance of existing contours (*natural & man-made*) will not be significant and limited developed portions of the site. Existing trees are to remain and protected in place.

3. The project is consistent with the Milpitas General Plan.

The project is consistent with the General Plan in terms of land use and density. The project is entails site and building modifications to a previously approved hillside residence that is under construction. The project is also consistent with the following General Plan policies and principles:

- 2.a-G-3, which encourages a variety of housing types and densities that met the needs of individuals and families.
- 2.a-I-18: retains the natural character of the hillside by utilizing designs, colors, and materials that blends with the environment and terrain.

EXHIBIT 1

**CONDITIONS OF APPROVAL
PAN RESIDENCE - SA14-0002 – 1000 COUNTRY CLUB DRIVE**

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. This Site Development Permit Amendment No. SA14-0002 (“Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office and a copy shall be provided to the Planning Division.
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on July 8, 2015, in accordance with these Conditions of Approval.
16. Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**
17. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

Site Development Permit:

18. Climate Action Plan Compliance. Prior to issuance of any building permit, the Permittee shall revise the building plans to show the following:
 - a. Pre-wired for solar photovoltaic systems.
 - b. Provide exterior electrical outlet for gardening equipment
19. Lighting Plan. Prior to issuance of any building permit, the Owner or Designee shall submit a lighting and iso-illumination plan that shall demonstrate 1) safe and adequate lighting of the project site and 2) lighting is contained and does not spill over onto adjacent properties or create unwanted glare. Proposed light fixtures shall be high quality and complement the architectural style of the home. **(P)**
20. Architectural Elevations. Prior to issuance of any building permit, the Permittee shall revise building elevations to reflect high quality material, finishes, and articulation. Such revisions to the building architecture are subject to Planning Director review and approval and includes the following:

construction of the site. Permittee shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. Permittee's contractor shall perform all recycling and/or disposal by removal from the job site. (E)

23. Construction Storm Water Quality: Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's stormwater and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the COMC, and the City's Clean Water Program. (E)
24. Construction Storm Water Quality: The Contractor shall perform all elements of the best management practices for compliance with the requirements of the National Pollution Elimination Discharge System Permit as regulated by the San Francisco Bay Regional Water Quality Control Board. The Contractor is responsible for compliance.
25. Flood Zone. The property is in Flood Hazard Zone Area X, (flood insurance is not required), 06085C0059J, 2/19/14. This is provided for your information only.
26. Agency Approval: It is the responsibility of the Permittee to obtain any necessary permits/approvals from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Union Pacific Railroad, Southern Pacific Railroad, Santa Clara Valley Transportation Agency, and City of Milpitas Engineering Division. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.
27. Right of Entry. Prior to building permit issuance, the Permittee shall obtain a right of entry from the neighboring property to perform any work.
28. Underground Service Alert (USA): Permittee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.
29. Recycled Water for Construction Activity: The City Council has declared a water supply emergency and enacted a Water Shortage Contingency Plan. The project is required to use recycled water for construction purposes such as dust control and compaction.
30. Tree Removal Permit: In accordance with COMC Chapter 2, Title X (Ord. 201), Permittee may be required to obtain a permit for removal of any existing tree(s). Contact the Public Works Department at (408) 586-2600 to obtain the requirements and forms. (E)

MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, July 8, 2015

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Commissioners**
Present: Chair Sudhir Mandal, Vice Chair Larry Ciardella,
Commissioners Gurdev Sandhu, Rajeev Madnawat, Ray
Maglalang, Zeya Mohsin

Absent: Demetress Morris, Hon Lien

Staff: Bill Ekern, Gary Baum, Adam Petersen, Cindy Hom
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the June 24, 2015 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes.
Motion/Second: Commissioner Mohsin/Commissioner Sandhu
AYES: 6
NOES: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** Interim Planning Director Bill Ekern introduced Interim City Attorney Gary Baum and Senior Planner Sarah Fleming. He also announced that the July 22, 2015 Planning Commission meeting is canceled.

Vice Chair Ciardella announced he needed to leave the meeting early and would excuse himself after the election of officers.

Commissioner Maglalang reported that he had a discussion with a representative of the mosque.
- VI. CONFLICT OF INTEREST** **Interim City Attorney Baum** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

Commissioner Mohsin reported that she would recuse herself from Item IX-1.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the July 8, 2015 agenda as submitted.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 6

NOES: 0

VIII. ELECTION OF OFFICERS

Election of Planning Commission Officers (Chair and Vice Chair):

Motion to nominate Sudhir Mandal as Chair for a one-year term

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 6

NOES: 0

Motion to nominate Larry Ciardella as Vice Chair for a one-year term

Motion/Second: Commissioner Mandal/Commissioner Mohsin

AYES: 2

NOES: 3 Sandhu, Madnawat, Maglalang

Motion to nominate Rajeev Madnawat as Vice Chair for a one-year term

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 3

NOES: 2 Mandal, Mohsin

Commissioner Ciardella left the meeting at 7:20 PM

IX. PUBLIC HEARING

IX-1 AL HILAAL MOSQUE AND COMMUNITY CENTER – 372-374 Turquoise Street – ZA15-0003, UP15-0008: The applicant is requesting a Zoning Text Amendment to conditionally permit assembly uses in Industrial Zones, and is concurrently requesting a use permit for a 13,125 sq. ft. assembly use at 372-374 Turquoise Street.

Senior Planner Adam Petersen provided a PowerPoint presentation describing the permit request. He said zone changes are needed in order to allow the proposed use and discussed the location and zoning.

Mr. Petersen said that heavy industrial zones comprise 20% of the land in Milpitas. The remaining 80% of land consists of commercial zones, mixed use zones, and residential zones, and it is important for the commission to consider that places of assembly are permitted in these zones, and the only area in the city where assembly uses are not allowed include the industrial zones.

During his presentation, Mr. Petersen said that places of assembly were prohibited at City

Council's direction from industrial zones in 2009 and this zone change would be inconsistent with the City's General Plan and conflicts with its guiding principles and policies. He said the zone change would be applicable to any assembly use in any industrial zone and has far reaching implications.

Commissioner Maglalang asked if the applicant is the owner of the building and Mr. Petersen said they are.

Vice Chair Madnawat asked if it is possible to amend just the M2 zone and not the M1 and MP zones. Mr. Ekern said he did not have the direct answer as to whether or not that recommendation could be made, and that the point staff is trying to make is that this is not consistent with the general plan's direction.

Mr. Baum said one would think it would be permissible to amend just one of those three zones however there has to be a rational basis before a decision can be made and it would be difficult to come up with a basis for why it would be rational to put this kind of assembly in an M2 zone, the heaviest industrial zone, and not in M1 or MP.

Vice Chair Madnawat asked what the rationale basis is for allowing assembly use in any other zone not M2 and Mr. Ekern said the rational basis is 1) it is the direction of the City Council to preserve job generating areas in industrial land sites, places where you can have heavy job and manufacturing type businesses, and is specifically not allowed under the general plan, and 2) assembly uses are allowed in virtually every other zoning district in the city.

Applicant Mark Tiernan, also a Milpitas resident, said the Al Hilaal mosque does have a current location at 90 Dempsey Road and has been there for over 20 years. The facility on Turquoise is approximately 32,000 sq ft and has four tenants in the building which will remain in the facility. As a result, the city will not lose employment, jobs or sales tax revenue based on this application and may generate more sales tax revenues through its bookstore and its online internet presence.

Mr. Tiernan said the Al Hilaal Mosque wants to remain in Milpitas and has searched for a new facility but it has been difficult to find.

In regards to shared parking, Mr. Tiernan said that staff originally told them they were over 80 spaces short but when they sat down together and did the calculations they found they were approximately 14 spaces short. He said the tenants in the building gladly offered to share their parking and the property owner across the street offered to share theirs as well.

Mr. Tiernan said that staff has used numbers that overinflate the use of the community center and mosque. He said main prayer services take place on Fridays between 12:00 - 2:00 PM which is the highest use of people there all week with about 70-80 people attending over two sessions, 95% of weddings will take place on the weekends, and he believes the impact to the neighborhood will be very slight.

Vice Chair Madnawat feels the maximum occupancy number of 358 is high. Mr. Ekern said the occupancy of a building is determined by Building and Fire codes and factors including anticipated use and building size.

Chair Mandal opened the public hearing and multiple people spoke in favor of the project.

Amin Adil Qazi, the architect for the project, said he disagrees with staff that the shared parking categorization is for mixed use developments, and he discussed zoning language

and made reference to Section 11 of the zoning code. He said they are proposing 13,000 square feet for the community center and mosque and that the remainder will remain office space.

The mosque's religious director, who is also a Milpitas resident, discussed programs and services provided by the mosque, including after school programs and youth and marriage counseling, and said their services are limited at the current location due to the lack of space.

A Milpitas resident from Angus Drive gave a summary of the mosque's history searching for a location for their facility. He said they have moved from different locations and have been on Dempsey Road for close to 20 years. In 2000 they acquired land on Montague Expressway where they hoped to build, and worked with city staff to get the necessary permits; however, they received negative feedback from neighbors and decided to sell the property in 2013 and move on. They have searched within the zoning that will allow them to relocate but buildings are small and will not fit their needs, and it has been very challenging to find a facility that is suitable for them. They felt their only option was to purchase the building on Turquoise Street.

An elementary school teacher and Milpitas resident from Burleigh Drive said the mosque's women's needs include a healthy social environment and support groups and adequate space is needed. Two main concerns for the women is safety and size of the space. The current space is small and shared with men and children, it does not provide the space needed for the women to feel comfortable, and they do not feel secure there due to other businesses located in the center. She said there have been break ins and vandals and feels the new location would be a good fit.

Several people spoke of the importance of the mosque to the youth of their community, and how they feel a bigger space is needed to conduct daily activities for children.

A speaker said the mosque is trying to find a peaceful compromise that all will benefit from. She discussed the lack of space for prayer and unsafe surroundings while having to pray outside on the sidewalk, across from a liquor store.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 4

NOES: 0

Vice Chair Madnawat had questions about M1, M2 and MP zoning districts and Mr. Petersen gave a description of each.

Chair Mandal asked what the city has seen in terms of growth and Mr. Ekern said the general trend with the economy over the last 20-30 years has seen the loss of heavy manufacturing jobs throughout the country. He said cities are reliant on a way to provide services that are connected to it and need the ability to have machine shops to build equipment and auto repair shops so that people can take care of their equipment etc., and there is a need for types of uses that are appropriate in these areas and the city needs to retain a buffer for these areas and preserve the opportunity for heavy industry because those jobs are still needed in the community.

Commissioner Maglalang asked if spot zoning is possible and Mr. Baum replied that it is

generally not permissible. He asked what the boundaries will be if rezoned and Mr. Ekern said the zoning change would affect all industrial areas in the city.

Vice Chair Madnawat feels this project provides great community benefits and proposes changing only the M2 zone to allow places of assembly, not M1 or MP. He said the city has not seen heavy industrial establishments coming to Milpitas and many of buildings remain empty, and the community center will attract more traffic and create more noise and the M2 zone is less prone to noise and traffic compared to M1 and MP.

Vice Chair Madnawat said that if a shared parking agreement is not amenable, he proposes that the capacity be reduced in order to reduce the parking requirement.

Motion to amend the zoning text to allow conditional use for places of assembly in the M2 heavy industrial zone and direction to staff to move forward with a CEQA study and return to the Planning Commission with a resolution that supports this request.

Motion/Second: Vice Chair Madnawat/Chair Mandal

AYES: 4

NOES: 0

Motion to approve Use Permit UP15-0008 for a mosque in the Heavy Industrial Zone (M2) at 372-374 Turquoise Street, with a condition that the applicant conduct a parking survey and work with staff on a parking solution. If the parking study shows that more spaces are required than a shared parking agreement provides, then the applicant should return to the commission. There was also a recommendation that the mosque promotes ride sharing.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 4

NOES: 0

IX-2 ULFERTS SIGN PROGRAM AMENDMENT - 768 Barber Lane - SA15-0002: A request for a Site Development Permit amendment to amend the existing sign program at the Ulferts Center.

Project Planner Cindy Hom provided a brief overview of the project.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 5

NOES: 0

Motion to Adopt Resolution No. 15-024 approving Site Development Permit Amendment No. SA15-0002 to allow for an amendment to the master sign program for multi-tenant shopping center at 648-794 Barber Lane subject to the conditions of approval.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 5

NOES: 0

- IX-3 PAN RESIDENCE – 1000 Country Club Drive – SA14-0002:** A request for a Site Development Permit Amendment for various site and building modifications to an existing hillside home currently under construction and reconfiguration of the open space. The project proposes a lot line adjustment to increase the size of the existing parcel and enlarge the existing landscaping easement.

Project Planner Cindy Hom provided an overview of the project and Peter Pfau, the project architect, reviewed the project plans.

Vice Chair Madnawat noted that there are two water tanks on the property and asked if there are plans to incorporate rain water harvesting and Mr. Pfau replied that they are looking into that possibility and trying to incorporate other sustainable systems.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 5

NOES: 0

Motion to Adopt Resolution No. 15-025 recommending the City Council approve Site Development Permit Amendment No. SA14-0002 for various site and building modifications to an existing hillside home and reconfiguration of the open space subject to the findings and conditions of approval.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

X. NEW BUSINESS

NO ITEMS

- XI. ADJOURNMENT** The meeting was adjourned at 9:25 PM to the next meeting scheduled on Wednesday, August 12, 2015.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*

List of Attachments for Public Hearing Item No. 4

– Sewer Rate Increase

Attachments:

- 4-A Ordinance No. 208.50 (for adoption)
- 4-B Property Owner Notice of Proposed Rate Increase
- 4-C Utility Rate Analysis Report

REGULAR

NUMBER: 208.50

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS AMENDING CHAPTER 2 OF TITLE VIII OF THE MILPITAS MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of May 19, 2015, upon motion by Councilmember Giordano and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. This Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Gary Baum, Interim City Attorney

RECITALS AND FINDINGS:

WHEREAS, the sewage collection and treatment services of the City of Milpitas (“City”) require the City to incur capital, operating, maintenance, replacement, treatment, and other costs related to providing such services; and

WHEREAS, the City provided written notice by mail of proposed sewer fee or charge increases to pay for such services, held a public hearing, and complied with other provisions of Article XIID of the California Constitution (commonly known as Proposition 218); and

WHEREAS, the City Council has determined that increases in sewer service charges are in the best interests of the City and in keeping with sound business and financial management of the sewer enterprises and do not exceed the cost of providing such services; and

WHEREAS, the adoption of the proposed increases to sewer service charges is statutorily exempt from the requirements of the California Environmental Quality Act under California Resources Code Section 21080 (b)(8).

NOW THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE VIII-2-6.01.

Section VIII-2-6.01 of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

VIII-2-6.01 Sewer Service Charges

The charges for sewer service shall be as set forth below and are limited to the actual cost of providing sewer service. The rates for Fiscal Year 2015-2016 shall be those set forth below.

The following amounts shall be assessed upon each premise maintaining a sewer connection with the City’s sewage system.

(a) Residential- Bimonthly for each dwelling unit

Category	FY15/16 Charge
Single Family	\$90.27
Multi-Family	\$69.32
Mobile Home Parks	\$56.97

(b) Commercial, Industrial and Miscellaneous Premises.

(1) Flat Rate: For non-residential accounts, there shall be a flat rate assessed every billing cycle during which normal billing takes place, regardless of the amount of sewage discharged, in the amount of \$14.97 per bimonthly period to defray billing and sewer system administration costs.

(2) Quantity and Strength Charges: For each commercial, industrial, or miscellaneous premises, a charge for each one hundred cubic feet of water used per billing cycle shall be charged as follows:

Category	FY15/16 Rate
Motels, hotels & senior citizen housing developments	\$4.36
General offices, banks, government offices, general merchandise, retail, and shopping centers; building, hardware, and gardening material facilities; amusement centers, and theaters	\$4.67
City of Milpitas	\$4.18
Service stations, repair shops, and car washes	\$4.34
Eating and drinking establishments	\$7.49
Personal services – laundry, barber/beauty shops, cleaners	\$3.95
Jefferson Smurfit Corporation*	\$7.66
T. Marzetti Co.*	\$8.34
Prudential Overall Supply	\$6.70
Loral-Fairchild-Lockheed*	\$4.59
Siemens Water (previously US Filter)	\$4.91
Lucky Pure Water*	\$3.94
DS Water	\$4.59
Milpitas Materials*	\$3.94
Union Pacific Railroad	\$5.11
Headway Technology Corporation	\$4.53
Electrical and electronics design, fabrication, assembly and storage facilities	\$4.59
Metal fabrication, machinery, and tool fabrication facilities	\$6.08
Linear Technology Corporation	\$4.59
Recycled water cooling towers	\$4.59
Cisco*	\$4.59
Schools, colleges and churches	\$6.34
Convalescent hospitals, day care centers and health service facilities	\$4.23
Elmwood Rehabilitation center	\$5.49

*These industrial customers are subject to sewer charge adjustments based on their sewer volumes, as indicated in their Sewer Flow Adjustment Agreements.

(3) City of San Jose for properties known as North McCarthy Properties: \$555 bimonthly for any discharge up to 75,000 gallons per day (Maximum Flow). Excess flow charge of \$100 for each 1,000 gallons per day in excess of the Maximum Flow or part thereof.

(c) Purpose of Charge. The purpose of the sewer service charges stated herein is to defray the City's cost for operation and maintenance of the City's facilities, capital improvement costs, the City's proportionate share of costs at the San Jose-Santa Clara Water Pollution Control Plant and the debt service related thereto, and other costs related to the provision of sewage collection and treatment.

(d) Billing. After the Ordinance adopting the charges set forth herein goes into effect, customers shall be subject to the sewer service charges set forth in 6.01, in effect as of the beginning date of the bimonthly billing period for which a customer is charged. In the absence of amendment of the rates set forth herein or adoption of a new rate ordinance, the rates herein shall remain in effect for billing periods and service years subsequent to Fiscal Year 2015-16 until amended or repealed.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

This Ordinance shall be ineffective if, at the conclusion of the public hearing to hear protests to the proposed increase in sewer service charges held on August 4, 2015, the City Council determines that a majority protest exists pursuant to Section 6 of Article XIII(D) of the California Constitution. In the absence of a majority protest, in accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



**CITY OF MILPITAS
PROPOSED WATER
AND SEWER RATE
INCREASES
EFFECTIVE SEPTEMBER 2015**



PUBLIC HEARING NOTICE

On August 4, 2015, the Milpitas City Council will hold a public hearing to consider public comment and protest on proposed water and sewer rates effective September 4, 2015. This hearing will be in the City Council Chambers at Milpitas City Hall, 455 E. Calaveras Blvd. at 7:00PM or as soon thereafter as this item can be heard.

PROTESTING RATE INCREASES

Property owners who want to protest the proposed rate increases may submit a written protest to the City Clerk at 455 E. Calaveras Blvd., Milpitas, CA 95035 prior to the close of the public hearing on Tuesday, August 4, 2015. Email and fax protests NOT accepted. If more than 50% of property owners submit a written protest, the City will not raise water and sewer rates. A written protest must contain your full name, date, mailing address, signature, and a description of the parcel or parcels which you own (street address or assessor's parcel number) and be submitted prior to the end of the public hearing. Additional information about proposed rates and a fee study are available at the City Clerk's Office and www.ci.milpitas.ca.gov.

Para recibir esta información en español, por favor
deje un mensaje al (408) 586-2605 incluyendo su
nombre completo y domicilio postal.
若要取得此資料的中文譯本，請致電
(408) 586-2605，並留下您的全名和郵寄地址。
Để nhận thông tin này bằng tiếng Việt, xin để
lại tin nhắn tại số (408) 586-2605 cùng với tên
họ và địa chỉ gửi thư của quý vị.
यह जानकारी हिंदी में प्राप्त करने के लिए,
कृपया अपने पूरे नाम और डाक पते के साथ
(408) 586-2605 पर एक संदेश छोड़ दें।



City of Milpitas
455 Calaveras Blvd.
Milpitas, CA 95035

Milpitas Property Owner

City of Milpitas Proposed Water and Sewer Rates 4B

WHY ARE RATE INCREASES NEEDED?

The rate analysis for water and sewer services shows that the City of Milpitas (City) needs to raise rates for the next year to generate sufficient revenue for the City's short and long-term needs. Wholesale water and sewer treatment costs are the largest component of the City's costs and are beyond the City's ability to control. The agencies providing water and sewer treatment services are all planning further substantial investment into their infrastructure in the near term, and have already started passing these costs to their retail customers and tributary agencies. Therefore, it is important that the City prepare for these substantial cost increases by planning to structure rates to accommodate the pass-through costs.

Wholesale water rates are increasing faster than expected due to the drought that is affecting California because the fixed cost of supplying and treating water are now allocated over a smaller volume of water used. The San Francisco Public Utilities Commission (SFPUC) is anticipated to increase their wholesale rate by over 28% in Fiscal Year 2015-2016, followed by smaller increases in the following years. The Santa Clara Valley Water District (SCVWD) is anticipated to increase their wholesale rate by 20%, followed by more increases in subsequent years. Quantity and fixed charges provide revenue for water system operations. Also, Milpitas is improving its overall water supply with infrastructure investments.

Sewer treatment costs are also poised to begin a rapid ascent. As part of its Master Plan, the San Jose-Santa Clara Water Pollution Control Plant (Plant) has conceptually estimated \$2+ billion in improvements for the upgrade of this 50-year old facility. The City's share in the cost would be approximately \$168 million over the next 30 years. The sewer rates include cost for short-term loans and to build-up reserves in preparation for bond issuance.

Continued on back

BIMONTHLY QUANTITY CHARGES

Categories	Current Charges	FY 15/16 Charges**
Residential (per dwelling unit):		
0-10 hcf*	\$2.62	\$3.62
>10-20 hcf	\$3.48	\$4.60
>20-30 hcf	\$4.69	\$6.47
>30 hcf	\$5.29	\$7.30
Commercial, Industrial, Institutional and Construction Meter	\$5.29	\$7.30
Potable Irrigation	\$5.29	\$7.30
City of Milpitas Accounts	\$5.29	\$7.30
Ed Levin Park	\$3.08	\$3.75
Recycled Water: Irrigation	\$4.08	\$5.84
Recycled Water: Industrial/Dual Plumbed Construction Water	\$2.65	\$4.25
Recycled Water: City of Milpitas	\$2.51	\$4.15

* One hcf = 748 gallons

** Fiscal year (FY) = July 1st - June 30th

The City is increasing the corresponding recycled water rates in FY 15-16 and FY 16-17 so that all recycled water rates will be equivalent in FY 16-17 to match the updated wholesaler rate structure.

**BIMONTHLY FIXED METER CHARGES
(Similar Increases for Other Meter Sizes)**

Categories	Current Charges	FY 15/16 Charges
5/8" meter	\$27.36	\$27.91
3/4" meter	\$29.07	\$29.65
1" Meter	\$41.28	\$42.11
1-1/2" Meter	\$52.07	\$53.11
2" Meter	\$67.96	\$69.32
2" Fire Service	\$43.72	\$44.59
Fire Suppression	\$14.75	\$14.75

Rate Questions? (408) 586-2605
Drought Hotline (408) 586-2666



Report water waste!
Get free conservation devices!



Proposed Water and Sewer Rates

Recommended Rates for Metered Water
Service for Fiscal Year 2015-2016

THE VALUE OF WATER AND SEWER SERVICES

A public health success story

Before modern water and sewage treatment and handling, water-borne disease was a serious threat. Recognizing the causes of disease and introducing disinfection and monitoring in the last century has greatly improved public health. The City of Milpitas buys high quality treated water from wholesalers and tests over 2,000 water samples each year. For water quality results, see the Consumer Confidence Report at www.ci.milpitas.ca.gov/government/pworks/water_quality.asp or call (408) 586-2605 to receive a mailed copy.

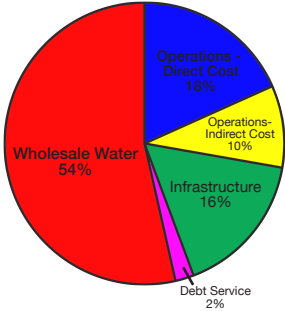
City crews operate and maintain the municipal water distribution and sewer collection systems to ensure optimum water quality. You may have seen crews flushing sediments from water hydrants or jetting sewer lines. These actions maintain our drinking water quality and also protect the environment from sewer spills. The California Regional Water Quality Control Board reports that Milpitas has one of the lowest rates of sewer overflows in the Bay Area.

WATER IS A BARGAIN

Drinking water piped to your home costs about 1¢ per gallon. No other household commodity comes close to being this economical. Bottled water can cost up to \$5 per gallon and you must carry it home from the store. Yet, municipal water is as safe to drink as bottled water. By law, it must be treated and tested to ensure it meets all Federal and State standards for consumption.

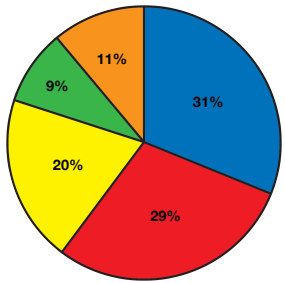
WHY ARE RATE INCREASES NEEDED? (continued)

At this time, Milpitas water and sewer rates remain comparable to those of surrounding agencies. The average Milpitas single family residence using 850 cubic feet of water per month currently pays about \$83 per month for water and sewer services. The proposed rate increases the average cost to about \$94 per month on September 4, 2015. All surrounding local agencies are under similar pressure to accommodate the rapidly increasing wholesale water and sewer treatment costs and are expected to implement similar increases.



Water Expenditures

Operations-Direct Cost	\$4.5 Million
Operations-Indirect Cost	\$2.5M
Infrastructure	\$4M
Debt service	\$0.5M
Wholesale Water	\$13M



Sewer Expenditures

This pie chart shows the projected expenditures from the sewer fund. Expenditures for the CIP include funding for city sewer improvement projects and debt service for the main sewer pump station bonds.

■ Plant O & M
■ Plant CIP
■ City OPERATIONS
■ City OVERHEAD
■ City CIP

Plant Operations & Maintenance	\$5.5M
Plant Improvement Projects	\$5.2M
City Operations	\$3.5M
City Overhead	\$1.6M
City Improvement Projects	\$2M

City of Milpitas Proposed Water and Sewer Rates

WATER SUPPLY

In order to maintain short and long-term water supply security, the City recently completed a Water Supply Augmentation Feasibility Report. Many water supply options were evaluated including: desalination, groundwater, surface water detention, recycled water, conservation, new water sources, and additional storage. A weighted sum decision matrix was used to evaluate the 'pros' and 'cons' of each option. The top recommendation for increasing water supply reliability was to improve production of existing wells and to drill additional wells. The report also emphasized the need to expand the recycled water system and expand water conservation efforts. The proposed water rates include costs to issue \$15 million bonds to begin implementation of a recycled water system expansion, improve well production, and expand conservation efforts.

WATER CONSERVATION

The State of California is experiencing a severe multi-year water supply shortage. On April 1, 2015, Governor Brown issued a Proclamation declaring a Continued State of Emergency due to extreme drought conditions and requiring a statewide 25% reduction. The State has assigned a specific conservation goal of 12% to Milpitas and will impose severe penalties for cities that fail to meet conservation goals. SCVWD requested a water conservation target of 30%. Due to this stringent request from our local water supply agency, the City requests that all water users reduce their water consumption by 30%. Together we can meet this conservation goal. For information on how you can save water, or to schedule a water-wise audit, please contact SCVWD at valleywater.org or call (408) 265-2600.

Proposed Sewer Rates for Residential Customers

Housing Type	Current Bi-monthly Rate	FY16
Single Family	\$86.93	\$90.27
Multi-family (apartments, condominiums)	\$52.22	\$69.32
Mobile Home	\$38.20	\$56.97

Proposed Sewer Rates for Commercial, Industrial and Institutional Customers

Name	Yearly Flow (hcf)	Current	FY16
Commercial Customers			
Motels and Hotels	106,099	\$3.60	\$4.36
General Office	195,141	\$3.70	\$4.67
City of Milpitas	10,350	\$3.40	\$4.18
Service Stations	13,370	\$3.57	\$4.34
Eat/Drink Establishments	225,446	\$6.16	\$7.49
Personal Services, Laundries	32,509	\$3.26	\$3.95
Industrial Customers*			
Jefferson Smurfit	1,414	\$4.21	\$7.66
T. Marzetti Co.	18,023	\$8.00	\$8.34
Prudential Overall Supply	15,885	\$4.65	\$6.70
Loral-Fairchild-Lockheed Martin	3,182	\$2.73	\$4.59
Siemens Water Tech	52,352	\$3.74	\$4.91
Lucky Pure Water	320	\$3.26	\$3.94
DS Water	714	\$3.10	\$4.59
Milpitas Materials	31	\$3.44	\$3.94
Union Pacific Railroad	54	\$4.03	\$5.11
Headway Technology	74,972	\$3.53	\$4.53
Electrical/Electronics	246,011	\$3.66	\$4.59
Machinery Manufactures	4,412	\$4.81	\$6.08
Linear Technology	102,487	\$3.15	\$4.59
Recycled water cooling tower	4,091	\$3.66	\$4.59
Cisco	14,182	\$3.66	\$4.59
Institutional Customers			
Schools/Colleges/Churches	29,612	\$4.81	\$6.34
Convalescent Hosp/Daycare	20,058	\$3.50	\$4.23
Elmwood Rehabilitation	102,131	\$3.81	\$5.49
City of San Jose**	0	\$492	\$550

*Per their Sewer Flow Adjustment Agreements, the following industrial customers are subject to sewer charge adjustments to account for the portion of their water use (the basis for the sewer billing) that is not discharged to their sewer: Jefferson Smurfit, T. Marzetti Co., Loral-Fairchild, Lucky Pure Water, Milpitas Materials, Cisco.

**City of San Jose does not currently discharge into the City of Milpitas sewer system. If they do in the future, the rate is \$550 for up to 75,000 gallons.



Utility Rate Analysis

Water and Sewer Rate Recommendations



Utility Engineering Section
Public Works Department
May 19, 2015

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EXECUTIVE SUMMARY

This utility rate analysis was performed to support the water and sewer rate recommendations to be presented to the City Council on May 19, 2015.

Water Rate Recommendation

- Adopt a water rate increase of 38% for most customer classes for FY 15-16. The water rate increase from water wholesalers (Santa Clara Valley Water District, San Francisco Public Utilities Commission, and South Bay Water Recycling) is expected to be 20%, 28%, and 22%-47%, respectively, which drives the need for the City's water rate increase. Additionally, the severe State-wide drought has reduced City revenues from water sales and drives the need for local water supply projects, such as expanding the City's recycled water pipeline system to serve customers who are currently on potable water.
- The bimonthly cost for single-family residences is projected to increase from the current average of \$77.92 to \$97.71 for FY 15/16, given that the average single-family residence in Milpitas uses 17 hundred cubic feet (HCF) of water in a two month period. One hundred cubic feet is equal to 748 gallons. As per contract agreement with the County of Santa Clara, increase the rate for Ed Levin Park to match San Francisco Public Utilities Commission's (SFPUC) wholesale water rate.
- Adopt a recycled water rate which would be 80% of the adopted potable water rate. In the South Bay Water Recycling memorandum "Wholesaler Recycled Water Rates for FY 2015-2016", dated March 18, 2015, SBWR made the decision to increase the Recycled Water: Industrial/Dual-Plumbing rate to the same wholesale structure as the Recycled Water Irrigation rate. The City is increasing the corresponding recycled water rates in FY 15-16 and proposing to increase in FY-16-17 so that all recycled water rates will be equivalent in FY 16-17 to match the revised wholesaler rate structure.
- Due to the drought, the City is proposing additional capital projects to improve water supply and reliability. The rates include debt service costs for \$15 million in bonds, beginning at the mid-point of the FY 15-16.

Sewer Rate Recommendation

- Adopt sewer rates which reflect changes in residential allocations and provides total revenue of \$17.4 million. Majority of costs are due to operations and capital projects at the Regional Wastewater Treatment Plant.
- The bimonthly cost for single-family residences is projected to increase from \$86.93 to \$90.27.
- Make proportional rate increases for other residential and non-residential customers based on the flow and strength of discharge in accordance with the State of California Sewer Revenue Guidelines, as required by the City's "Master Agreement for Wastewater Treatment" with the Cities of San Jose and Santa Clara.
- Participate in San Jose's commercial paper program for short-term capital funding.
- Contribute to reserve build-up for future Treatment Plant bond issuance.

INTRODUCTION

Although the economic recovery is helping boost the City economy and increase property values, the effects of the fourth year of drought are affecting the City, especially with regards to water revenue. Water sales are down due to robust conservation. Exacerbating this problem is the steeply increasing cost of wholesale water and sewer treatment.

WATER AND SEWER ENTERPRISE FUNDS

The City's policy and State law require that the water and sewer utilities be managed in a manner similar to private enterprises. The water and sewer finances are kept in separate funds and are neither subsidized by other revenue sources, nor do they generate a profit. Water and sewer customers pay the actual cost of their water and sewer usage, with the exception that residential water rates have discounted tiers for the purpose of encouraging water conservation. Ideally, water and sewer fees and user charges are set at a level that supports the total short-term and long-term direct and indirect costs of utility operation, including depreciation of infrastructure assets, overhead charges, and banking of reserves for unanticipated expenses and current and future capital improvement projects. However, the City's fees do not generate sufficient revenue to support all of the identified capital projects. The funds are each managed to maintain operating reserves to serve as contingency funds if revenues should be lower and/or expenses should be higher than expected. The operating reserve goal for water is 30% of the water fund annual operating budget, which amounts to approximately \$6.2 million. The operating reserve goal for sewer is about 25% of the sewer fund annual operating budget, which amounts to approximately \$3.6 million.

CONSEQUENCES OF NOT RAISING RATES TO MATCH COSTS

If the City fails to raise rates to a level sufficient to cover costs, the City will be forced to take funding from the general fund, its only source of discretionary funds, to subsidize the water and sewer rates at a level less than cost. This would mean that the Milpitas general public would subsidize the water and sewer customers, including the large commercial and industrial users. This transfer from the general fund would reduce the City's ability to provide other desired community services such as parks and recreation, street landscaping, and street maintenance. It would also conflict with City policy and standard government practice that water and sewer service funds be operated as self-supporting enterprise funds. The City would need to take over \$9 million from other services to balance the utility fund budgets.

DESCRIPTION OF WATER AND SEWER COSTS

The City has reduced its operating costs through use of rigorous cost controls including employee layoffs, salary concessions, and reduction in use of supplies and services. Unfortunately, the City's internal cost savings are more than offset by the tremendous increase in wholesale water costs driven by the \$4.6 billion SFPUC Water System Improvement Program, and sewer treatment costs driven by the planned \$2.2 billion WPCP reconstruction program. These massive reinvestments into aging regional infrastructure are both necessary and beyond the City's control. During a drought, utility costs are spread over a smaller volume, resulting in a higher unit cost.

Public Notification

California State Constitution Article XIII(D), also known as “Proposition 218,” gives land owners receiving water and sewer services the right to protest water and sewer rate increases. The process is specifically limited to the owner of the land, whether a business or resident, receiving the water or sewer service. This is not an election open to registered voters, the general public, or even the utility rate payers unless they are also the property owner. The City is required to notify property owners of its intent to adopt utility rate increases and give property owners the opportunity to protest the increases. The City must mail notification to each parcel owner receiving water and/or sewer services, allow a 45-day protest period, and then conduct a public hearing to receive public comment. Each parcel may submit only one protest no matter how many people co-own the land, and the City may adopt rates if less than a majority of parcels receiving water and sewer services have had protests submitted by their owners. The proposed schedule includes these steps:

- April 24 – Public hearing notice published in the Milpitas Post notifying the community of the introduction of the water and sewer rate ordinances.
- May 8 – Public hearing notice again published in the Milpitas Post notifying the community of the introduction of the water and sewer rate ordinances.
- May 19 – Council will hear first reading of ordinances setting water and sewer rates. Staff will request direction to mail the Proposition 218 notice.
- June 9 – Proposition 218 notices must be mailed no later than this date to provide 45-day protest period before August 4 Council Meeting
- August 4 - Council Meeting for public protest hearing and adoption of rate ordinances. Staff will recommend that the City Council adopt ordinances setting water and sewer rates if there has not been a majority protest.
- September 4 – The proposed water and sewer rates for FY15/16 will be effective thirty (30) days after adoption by City Council.

WATER RATE ANALYSIS AND RECOMMENDATION

Water Costs

Fifty-four percent of the City's cost to provide water is the wholesale purchase price. The City holds long-term supply contracts for wholesale potable water from the San Francisco Public Utilities Commission (SFPUC) and the Santa Clara Valley Water District (SCVWD). These contracts allow these suppliers to set wholesale prices to recover their cost of service. The remaining forty-six percent of the City's water cost is for operation, maintenance and capital improvement of the water distribution system, and debt servicing. The City owns a complex distribution network of over 200 miles of pipe, operated as seven distinct pressure zones through use of pumping stations and pressure regulating valves to ensure that all areas of the City have a constant supply of pressurized water for fire fighting, public health and sanitation. The City's estimated FY 15/16 internal cost breaks down further with about thirty-six percent devoted to continuous investment in aging infrastructure upkeep and about sixty-four percent for daily operations, including the labor, equipment, power, and supplies needed to monitor, test, and distribute the water; comply with regulatory requirements; administer supply contracts; bill customer accounts; and provide management, finance, legal, human resources, and security support.

San Francisco Public Utilities Commission: In FY15/16, the City expects to pay over \$10 million for SFPUC water supply.

SFPUC's water revenues will be lower than projected due to lagging water sales, attributable to the regional water conservation campaign due to the drought. The 2009 Master Agreement allows SFPUC to set wholesale rates to recover projected revenues shortfalls (Section 6.05). We anticipate that the reduced water sales due to conservation will continue for at least another year and so will impact next year's wholesale rate as well. If the drought continues, the SFPUC wholesale rate will continue to increase.

Santa Clara Valley Water District In FY15/16, the City expects to pay over \$2 million for SCVWD water supply.

SCVWD's water revenues will be lower than projected due to lagging water sales, attributable to the regional water conservation campaign due to the drought. We anticipate that the reduced water sales due to conservation will continue for at least another year and so will impact next year's wholesale rate as well. If the drought continues, the SCVWD wholesale rate will continue to increase.

South Bay Water Recycling In FY15/16, the City expects to pay over \$850,000 for recycled water from South Bay Water Recycling.

In the South Bay Water Recycling memorandum "Wholesaler Recycled Water Rates for FY 2015-2016", dated March 18, 2015, SBWR made the decision to increase the Recycled Water: Industrial/Dual-Plumbing rate to the same wholesale structure as the Recycled Water Irrigation

rate which resulted in a 22% increase in recycled water for irrigation and a 47% increase in recycled water for industrial/dual-plumbing use.

Water Rate Analysis

The water rate analysis is performed by starting with the actual July 1, 2014 water fund balance and estimating revenues and expenses to project an expected fund balance at the end of FY14-15. Estimated FY 15-16 expenses are deducted from this balance to determine needed revenues. Water fund revenues are derived from fixed charges and quantity charges. Fixed charges are increased 2% in accordance with the consumer price index. The quantity charges within the water rate structure are then adjusted to yield the needed revenues. As with all predictive models, the accuracy of the fund balance projection depends upon the accuracy of the cost and revenue estimates and upon the validity of assumptions about consumption.

The policy for estimating rates and expenses includes the following:

- Maintain 1st-tier residential rate at no less than the average of wholesale rates (October 1995 Council policy).
- Target maintaining a reserve in the Water Fund that is at least 30% of Operating Expenses.
- Establish recycled water rates that are lower than potable water rates to encourage recycled water use and decrease dependence on potable water.

Recommended Rates

- Adopt a water rate increase of 38% for most customer classes for FY 15-16. The water rate increase from water wholesalers (Santa Clara Valley Water District and San Francisco Public Utilities Commission) is expected to be 20% and 28%, respectively, which drives the need the City's water rate increase. Additionally, severe State-wide drought has reduced City revenues from water sales and demands the need for local water supply projects, such as expanding the City's recycled water pipeline system to serve customers who are currently on potable water.
- The bimonthly cost for single-family residences is projected to increase from the current average of \$77.92 to \$97.71 for FY 15/16, given that the average single-family residence in Milpitas uses 17 hundred cubic feet (HCF) of water in a two month period.
- As per contract agreement with the County of Santa Clara, increase the rate for Ed Levin Park to match San Francisco Public Utilities Commission's (SFPUC) wholesale water rate.
- Adopt a recycled water rate which would be 80% of the adopted potable water rate. In the "Wholesaler Recycled Water Rates for FY 2015-2016" memorandum, dated March 18, 2015, SBWR made the decision to increase the Recycled Water: Industrial/Dual-Plumbing rate to the same wholesale structure as the Recycled Water Irrigation rate. The City is increasing the corresponding recycled water rates in FY 15-16 and FY-16-17 so that all recycled water rates will be equivalent in FY 16-17 to match the revised wholesaler rate structure.

- Due to the drought, the City is proposing additional capital projects to improve water supply and reliability. The rates include debt service costs for \$15 million in bonds, beginning at the mid-point of the FY 15-16.

Projected Water Fund Balance

- The beginning Water Fund balance is projected to be \$8.9 million on July 1, 2015.
- The Water Fund balance is expected to be roughly \$6.4 million on June 30, 2016, given the proposed 38% rate increase.

Projected FY 15/16 Revenues (Exhibit W-1)

- \$22.2 million

Projected FY 15/16 Expenditures (Exhibit W-1)

- \$24.7 million
 - Wholesale water purchases:
 - SFPUC: \$10 million
 - SCVWD: \$2.3 million
 - SBWR: \$850,000
 - City infrastructure improvements: \$4 million
 - City operations: \$4.5 million
 - City overhead: \$2.5 million
 - Debt servicing (proposed Bond): \$550,000

Basis for FY 15/16 Cost Assumptions and Findings

- SFPUC projects a wholesale rate increase of 28%
- SCVWD projects a wholesale rate increase of 20%
- The South Bay Water Recycling Program (SBWR) projects annual wholesale rate increases of 22% for irrigation use and 47% for industrial/dual-plumbing use.
- SBWR will reimburse a portion of the City's operational expenses for needed maintenance of the distribution system under the O&M agreement between the City and SBWR. Past reimbursements have ranged from \$20,000 to \$77,500 per year.
- Conservation programs will reduce outdoor water consumption to a greater degree than indoor consumption.

PROPOSED WATER RATES

For metered water service, staff recommends the following rates for FY 15-16.

BIMONTHLY QUANTITY CHARGES

Categories	Current Charges	FY 15/16 Charges
Residential (per dwelling unit):		
0 - 10 hcf	\$2.62	\$3.62
>10 - 20 hcf	\$3.48	\$4.80
>20 - 30 hcf	\$4.69	\$6.47
>30 hcf	\$5.29	\$7.30
Commercial, Industrial, Institutional and Construction Meter	\$5.29	\$7.30
Potable Irrigation	\$5.29	\$7.30
City of Milpitas Accounts	\$5.29	\$7.30
Ed Levin Park	\$3.08	\$3.75
Recycled Water: Irrigation	\$4.08	\$5.84
Recycled Water: Industrial / Dual Plumbed/ Construction Water	\$2.65	\$4.25
Recycled Water: City of Milpitas	\$2.51	\$4.15
Fire Suppression	\$14.75	\$14.75

In the South Bay Water Recycling “Wholesaler Recycled Water Rates for FY 2015-2016” memorandum, dated March 18, 2015, SBWR made the decision to increase the Recycled Water: Industrial/Dual-Plumbing rate to the same wholesale structure as the Recycled Water Irrigation rate. The City is increasing the corresponding recycled water rates in FY 15-16 and FY-16-17 so that all recycled water rates will be equivalent in FY 16-17 to match the revised wholesaler rate structure.

BIMONTHLY FIXED METER CHARGES

(Similar Increases for Other Meter Sizes)

Categories	Current Charges	FY 15/16 Charges
5/8” Meter	\$27.36	\$27.91
3/4” Meter	\$29.07	\$29.65
1” Meter	\$41.28	\$42.11
1-1/2” Meter	\$52.07	\$53.11
2” Meter	\$67.96	\$69.32
2” Fire Service	\$43.72	\$44.59

EXHIBIT W-1
WATER
ESTIMATED REVENUES & EXPENDITURES

	FY 15/16
STARTING BALANCE July 1, 2015	\$8.9 M
REVENUES:	
Metered Water Sales	\$21.9 M
Other Revenues	\$0.3 M
Total Revenues	\$22.2 M
REVENUES + STARTING BALANCE	\$31.1 M
EXPENSES:	
City infrastructure improvements	\$4.0 M
Overhead	\$2.5 M
Operations	\$4.5 M
Wholesale	
SFPUC	\$10.0 M
SCVWD	\$2.3 M
SBWR	\$0.85 M
Debt Service	\$0.55 M
Total Expenses	\$24.7 M
ENDING BALANCE June 30, 2016	\$6.4 M

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SEWER RATE ANALYSIS AND RECOMMENDATION

Sewer Costs

The costs for sewer have a similar distribution for the external treatment costs and the City's internal operation and maintenance costs. The City's sewer system contains over 180 miles of pipe and two pumping stations that collect and transport the sewage to the San Jose/Santa Clara Water Pollution Control Plant (WPCP) for treatment. The City of San Jose operates the San Jose/Santa Clara Water Pollution Control Plant and by a "Master Agreement," accepts up to 14.25 million gallons per day of sewage from City of Milpitas for treatment. By the terms of the agreement, rather than paying a wholesale rate, the City pays a proportionate share of the Plant's operation costs and capital improvement costs each year. San Jose's plant is one of the oldest sewage treatment plants in the Bay Area, and its infrastructure is overdue for replacement and modernization.

The City of San Jose has prepared a preliminary 10-year estimate of operating and capital costs necessary for the regional wastewater treatment facility. In FY 15-16 alone, the City's projected share of capital cost is \$11.87M. This \$11.87M includes construction cost (\$8.63M), Milpitas share of projected financing requirements (\$2.14M), other non-construction costs (\$0.97M) and cost of commercial paper (0.13M). It is necessary to finance costs of this magnitude. San Jose is planning to use short-term commercial paper for FY 15-16 and FY 16-17, and issue long-term bonds in FY 17-18. The City may choose to participate in San Jose's commercial paper program if the costs are reasonable. These programs require an additional reserve which will be built up over the next several years.

The City of San Jose recently completed a residential flow study that updated population per dwelling unit and per capita discharge from 1975 data. The flow study recommendation is shown in the table below.

	1975 data			2014 data		
	No. of persons	Flow per person gallons per day (gpd)	People x flow per person = gpd per household	No. of persons	Flow per person gpd	People x flow per person = gpd per household
Single family	3.37	65	219	3.54	51	181
Multi-family	2.05	60	123	2.73	51	139
Mobile homes	1.90	65	124	2.24	63	141

The Residential Flow Study states that the water consumption data for Milpitas mobile home parks is inconsistent and is therefore disregarded. A weighted average of the San Jose and West Valley data is used for Milpitas. This data is used to determine the Milpitas share of costs at the regional wastewater treatment facility.

Staff has investigated the mobile home park water consumption and agrees that the data is inconsistent. The water meters at the three mobile home parks are past their useful life and are scheduled to be replaced. Staff is having difficulty in collecting mobile home water consumption from neighboring agencies to use in determining a reasonable range for use in the interim until actual data is available. Mobile home usage ranges from 83 gallons per day (GPD) per household to 157 GPD per household for six Bay Area communities. In parallel, staff is evaluating a quote to perform sewer flow metering to evaluate mobile home discharge, although flow metering will be delayed until VTA-BART construction is completed on Dixon Landing. For the purpose of this single year rate analysis, staff recommends using 2.24 persons per household from the San Jose Study and 51 gallons per day per capita (gpdpc) (instead of 63 gallons per capita) to set the mobile home park sewer rate. The 51 gpdpc is equivalent to the Milpitas single and multi-family values and is more closely aligned with the lower water use per capita that is seen in Milpitas mobile home parks. The more accurate data from the new water meters and sewer flow monitoring will be incorporated into future rate analyses.

The planned expenses include participation in a commercial paper program and a contribution to build up reserves for the commercial paper and bond programs. The proposed rate increase is needed to generate sufficient revenue to meet expenses. The staff recommendation is to increase sewer rates to generate an overall increase in revenue from \$14.3M to \$17.4M. Residential customers are billed a fixed bimonthly amount per dwelling unit (du) and non-residential customers are billed on volume of water used, expressed as hundred cubic feet (hcf).

Sewer Rate Analysis

As required by the City's Master Agreement for Wastewater Treatment with the City of San Jose, staff prepared the Sewer Revenue Program recommendations in accordance with the State of California State Revenue Guidelines. These require that the City set sewer services charges in proportion to the benefits received by the customers. Benefits are defined as flow volume and strength of the waste, as measured by biochemical oxygen demand, suspended solids, and ammonia. Rates are based on an allocation of sewer service cost among these four parameters. Thus, there is an intrinsic relationship for charges among users; change of any single rate due to changes in parameter flow or strength results in reallocation of costs to other users' rates. The sewer rate analysis is based on projected discharge of 6.49 million gallons per day.

As is the case with the water rate analysis, the sewer rate analysis is guided by policy objectives and principles to target a Sewer Fund reserve of at least 25% of operating expenses.

Recommended Sewer Rates

The rate subcommittee recommended the following rate changes:

- \$3.34 increase in single family bimonthly bill (from \$86.93 to \$90.27)
- \$18.77 increase in mobile home family bimonthly bill (from \$38.20 to \$56.97)
- \$17.10 increase in multi family bimonthly bill (from \$52.22 to \$69.32)
- For commercial customers per hcf rate change
 - 6 categories - 12.97% increase to 26.22% increase
- For industrial customers per hcf rate change
 - 15 categories – 4.25% increase to 81.95% increase
- For institutional customers per hcf rate change
 - 3 categories – 20.86% increase to 44.09% increase

Flat rate increase for non-residential customers: 2%

Sewer Fund Balance

- Beginning Sewer Fund balance is \$7.95 million on July 1, 2015.
- The Sewer Fund balance will remain unchanged by June 30, 2016.

Projected Revenues

- \$17.83 million

Projected Expenditures (Exhibit S-1)

- \$17.83M
 - Wholesale sewer treatment expenditures:
 - WPCP O&M: \$5.54 million
 - WPCP CIP: \$5.24 million
 - City expenditures:
 - City infrastructure improvements: \$1.57 million
 - CIP projects: \$1.32M
 - Payment of bond for Main Sewer Lift Station: \$684,348
 - City operations: \$3.49 million.

Basis for Cost Assumptions and Findings

- WPCP CIP costs have large changes when compared previous years
- Revised flow allocation per capita for residential customers
- Revised density for residential customers
- Sewer discharge 6.49 million gallons per day.

PROPOSED SEWER RATES

For sewer service, staff recommends the following rates.

BIMONTHLY QUANTITY CHARGES

Categories	Current Charges	FY 15/16 Charges
Single-family residential	\$86.93	\$90.27
Multi-family residential	\$52.22	\$69.32
Mobile Home	\$38.20	\$56.97

- a) Flat Rate: For non-residential accounts, flat rate assessed every billing cycle, regardless of the amount of sewage discharge is recommended to increase from \$14.68 to \$ 14.97.
- b) Quantity and strength charges: For each commercial, industrial, and institutional customers, a charge for one hundred cubic feet of water used per billing cycle are shown in Exhibit S-3.

By an agreement with the City of San Jose, future wastewater from the North McCarthy Blvd area located in San Jose can be discharged through the Milpitas system to the WPCP for treatment. To date, San Jose has not planned development in this area. However, if it should, the established rate is \$550.00 bimonthly for discharges up to 75,000 gallons per day (maximum flow). An excess flow charge of \$100 for each 1,000 gallons per day in excess of the Maximum Flow or part thereof is also applicable.

Exhibit S-1
Sewer Revenues & Expenditures

	FY 15/16
STARTING BALANCE - July 1, 2015	\$7.9 M
REVENUES:	
Use charges + flat fees	\$17.4 M
Taxes + Interest etc.	\$0.4 M
Total Revenues	\$17.8 M
REVENUES + STARTING BALANCE	\$25.7 M
EXPENSES:	
City infrastructure improvements	\$1.3 M
City's Debt Service	\$0.7 M
Overhead	\$1.6 M
Operations	\$3.5 M
Wholesale	
WPCP O&M	\$5.5 M
WPCP CIP	<u>\$5.2 M</u>
Subtotal:	\$10.7 M
Total Expenses	\$17.8 M
ENDING BALANCE – June 30, 2016	\$7.9 M

Exhibit S-2 Sewer Expenditures

The pie chart shows the projected expenditures from the Sewer Fund. Expenditures for the CIP include funding for City sewer improvement projects and debt service for the Main Sewer Pump Station bonds.

WPCP O & M	\$5,535,700
WPCP CIP	\$5,237,968
City Operations	\$3,487,546
City Overhead	\$1,573,207
City CIP	\$1,999,348

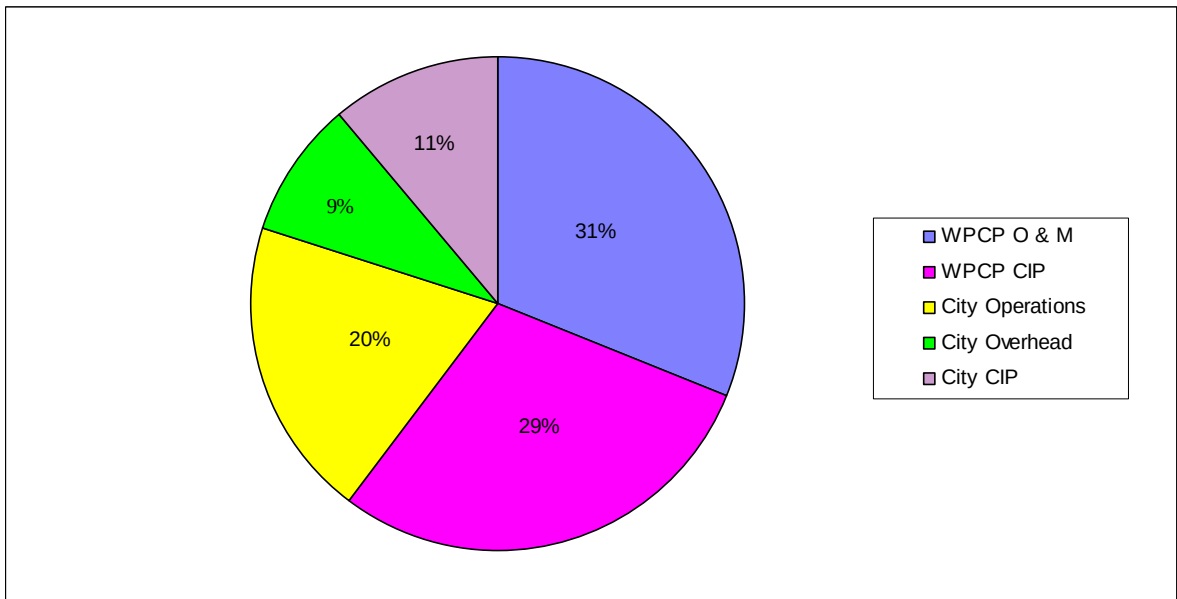


Exhibit S-3
Proposed Sewer Rates
for
Commercial, Industrial and Institutional Customers

Name	Yearly Flow (hcf)	Current	FY16
Commercial Customers			
Motels and Hotels	106,099	\$3.60	\$4.36
General Office	195,141	\$3.70	\$4.67
City of Milpitas	10,350	\$3.70	\$4.18
Service Stations	13,370	\$3.57	\$4.34
Eat/Drink Establishments	225,446	\$6.16	\$7.49
Personal Services, Laundries	32,509	\$3.26	\$3.95
Industrial Customers			
Jefferson Smurfit	1,414	\$4.21	\$7.66
T. Marzetti Co.	18,023	\$8.00	\$8.34
Prudential Overall Supply	15,885	\$4.65	\$6.70
Loral-Fairchild-Lockheed Martin	3,182	\$2.73	\$4.59
Siemens Water Tech (previously US filters)	52,352	\$3.74	\$4.91
Lucky Pure Water	320	\$3.26	\$3.94
DS Water (previously Arrowhead)	714	\$3.10	\$4.59
Milpitas Materials	31	\$3.44	\$3.94
Union Pacific Railroad	54	\$4.03	\$5.11
Headway Technology	74,972	\$3.53	\$4.53
Electrical/Electronics	246,011	\$3.66	\$4.59
Machinery Manufacture	4,412	\$4.81	\$6.08
Linear Technology	102,487	\$3.15	\$4.59
Recycled water cooling tower	4,091	\$3.66	\$4.59
Cisco	14,182	\$3.66	\$4.59
Institutional Customers			
Schools/Colleges	29,612	\$4.81	\$6.34
Convalescent Hosp/Daycare	20,058	\$3.50	\$4.23
Elmwood Rehabilitation	102,131	\$3.81	\$5.49

**Per their Sewer Flow Adjustment Agreements, the following industrial customers are subject to sewer charge adjustments to account for the portion of their water use (the basis for the sewer billing) that is not discharged to their sewer:

- Jefferson Smurfit
- T. Marzetti Co.
- Loral-Fairchild
- Lucky Pure Water
- Milpitas Materials
- Cisco

CONCLUSION

The rate analysis for water and sewer services shows that the City needs to raise rates for the next year to generate sufficient revenue for the City's short- and long-term needs. Wholesale water and sewer treatment costs are the largest component of the City's costs and are beyond the City's ability to control. The agencies providing water and sewer treatment services are all planning further substantial investment into their infrastructure in the near term, and have already started passing these costs to their retail customers and tributary agencies. Therefore, it is important that the City prepare for these substantial cost increases by planning to structure rates to accommodate the pass-through costs.

Wholesale water rates are increasing faster than expected due to the drought that is affecting the entire State. SFPUC is anticipated to increase their wholesale rate by over 28% in FY15/16, followed by smaller increases in the following years. SCVWD is anticipated to increase their wholesale rate annually by 20%, followed by more increases in the subsequent years. In addition, the City is proceeding with its own capital improvement program.

Sewer treatment costs are also poised to begin a rapid ascent. As part of its Master Plan, the WPCP has conceptually estimated \$2+ billion in improvements for the upgrade of this 50-year old facility. The City's share in the cost would be approximately \$168 million over the next 30 years. Depending on the actual magnitude and schedule of the WPCP capital improvements, either the WPCP or the City may need to obtain alternate funding, such as from bonds, to level the impact of WPCP improvements on future rates.

At this time, Milpitas water and sewer rates remain comparable to those of surrounding agencies as shown in the following exhibits. All surrounding local agencies are under similar pressure to accommodate the rapidly increasing wholesale water and sewer treatment costs and so are expected to need to implement similar increases.

Exhibit C- 1
Bimonthly Utility Charge Comparison (Single-Family Residence)*

City	Service Provider	Water	Sewer	Total
Santa Clara	+	\$88.30	\$69.30	\$101.82
Fremont	W2, S3	\$90.77	\$59.50	\$123.27
Sunnyvale		\$70.60	\$73.54	\$123.94
Mountain View	+	\$110.52	\$57.30	\$127.44
S.J. (Muni)	+	\$74.74	\$67.66	\$137.06
Cupertino	+W1, S2	\$101.60	\$63.52	\$139.84
MILPITAS FY 14-15	+	\$77.92	\$86.93	\$164.85
Campbell	+W1, S1	\$101.60	\$66.68	\$140.88
S.J. (Water Co.)	+	\$101.60	\$67.66	\$157.56
MILPITAS (Proposed FY 15-16)	+	\$97.71	\$90.27	\$187.98
Palo Alto		\$142.66	\$58.62	\$165.20
San Mateo	W3	\$109.07	\$125	\$228.08

NOTE: Costs based on average single-family consumption of 17 HCF water in 60 days.

+ Tributary to the San Jose/Santa Clara Water Pollution Control Plant

* Utility Service provided by the indicated city unless it is noted as part of one of the following special districts:

WATER SERVICE:

W1 San Jose Water Company
W2 Alameda County Water District
W3 California Water Service Company

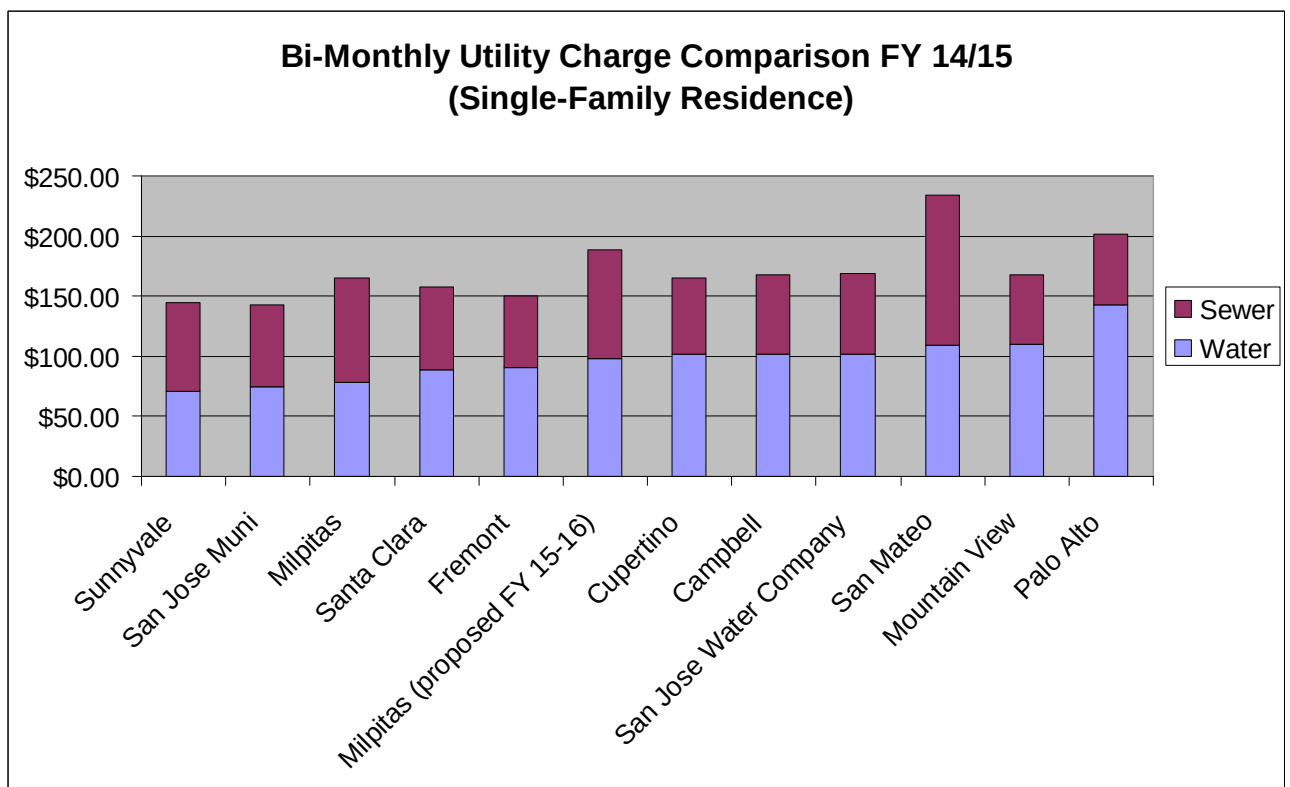
SEWER SERVICE:

S1 West Valley Sanitation District
S2 Cupertino Sanitary District
S3 Union Sanitary District

Exhibit C-2

Bi-Monthly Utility Charge Comparison FY 14/15 (Single-Family Residence)

This graph compares the current water rates for average residential customers in surrounding agencies with the City's current rate, showing that Milpitas remains within the mid-range of the scale. The graph also shows where the City's proposed rates would fall in FY15-16. However, a direct comparison is not possible at this time. The surrounding agencies are expected to raise their rates as well, but this data are not yet available for comparison.



List of Attachments for Public Hearing Item No. 7

– Measures T and Z

Attachments:

- 7-A Resolution No. 7459
- 7-B Resolution No. 6796
- 7-C Measure T and Z Handout
- 7-D Urban Growth Boundary Map

RESOLUTION NO. 7459

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO
PLACE BEFORE THE VOTERS OF THE CITY OF MILPITAS AN
ORDINANCE REQUIRING THAT, UNTIL DECEMBER 31, 2018, ANY
AMENDMENTS TO THE HILLSIDE ORDINANCE OR THE LAND SUBJECT
TO THE HILLSIDE ORDINANCE BE APPROVED BY THE VOTERS OF THE
CITY OF MILPITAS**

WHEREAS, the City Council desires to submit to the voters at the general election on November 2, 2004 an ordinance that would require that, until December 31, 2018, any amendments to the Hillside Ordinance (Ordinance No. 38.672 adopted by the City Council on September 15, 1992) be approved by the voters.

NOW, THEREFORE, the City Council of the City of Milpitas does hereby resolve as follows:

Section 1. That the City Council orders submitted to the voters at the General Municipal Election to be held and consolidated with the Statewide General Election on Tuesday, November 2, 2004, the following question:

"Shall an ordinance be adopted that requires that, until December 31, 2018, any amendments to the existing "Hillside Combining District" Ordinance and any amendments to the general plan land use designation for lands currently designated as "Hillside" property be approved by the voters before becoming effective?"	YES
	NO

Section 2. The ordinance to be enacted by the voters pursuant to Section 1 above shall be in the form set forth in Exhibit A, attached hereto.

Section 3. This measure is submitted to the voters pursuant to Elections Code § 9222.

Section 4. The ballots used at the election shall be in the form and content as is required by law.

Section 5. The City Attorney is hereby directed to prepare and submit an impartial analysis.

Section 6: The City Council authorizes Vice Mayor Patricia Dixon and Councilmember Althea Polanski to prepare a written argument in favor of the ballot proposition, on behalf of the City Council, not to exceed 300 words. The City Council also authorizes submission of rebuttal arguments not to exceed 250 words. The City Council authorizes Vice Mayor Patricia Dixon and Councilmember Althea Polanski to prepare and submit a written rebuttal argument in the event a written argument opposing the initiative measure is submitted.

Section 7: The City Clerk is hereby directed to deliver forthwith certified copies of this Resolution to the Clerk of the Board of Supervisors of Santa Clara County and the Registrar of Voters of Santa Clara County promptly upon its adoption.

PASSED AND ADOPTED this 29th day of July 2004, by the following vote:

AYES: (3) Mayor Esteves, Vice Mayor Dixon, and Councilmember Polanski.

NOES: (2) Councilmembers Gomez, and Livengood.

ABSENT: (0) None.

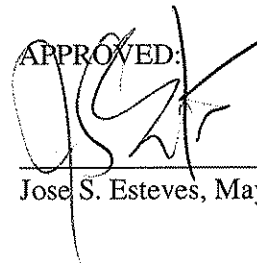
ABSTAIN: (0) None.

ATTEST:



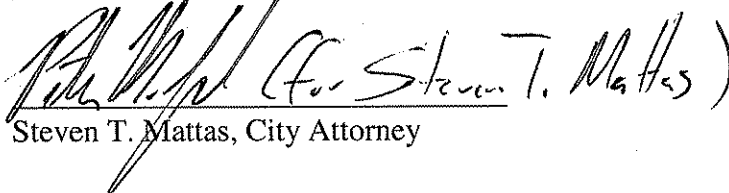
Gail Blalock, City Clerk

APPROVED:



Jose S. Esteves, Mayor

APPROVED AS TO FORM:



Steven T. Mattas, City Attorney

EXHIBIT A

REGULAR

ORDINANCE NO. 264

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS REQUIRING THAT UNTIL DECEMBER 31, 2018 ANY AMENDMENTS OR MODIFICATIONS TO THE HILLSIDE COMBINING DISTRICT ORDINANCE OR THE LAND SUBJECT TO THE HILLSIDE ORDINANCE BE APPROVED BY THE VOTERS OF THE CITY OF MILPITAS

HISTORY: This Ordinance was approved by the voters at the general election in November 2004.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITIZENS OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

WHEREAS, in September of 1992, the City Council after an extensive public input adopted Ordinance No. 38.672, which is generally known as the Hillside Ordinance; and

WHEREAS, the purpose of the Hillside Ordinance is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility; and

WHEREAS, the primary regulations of the Hillside Ordinance are set forth at Section 45 of Chapter 10 of Title XI of the Milpitas Municipal Code, which section is entitled "H" Hillside Combining District"; and

WHEREAS, the Hillside Ordinance also made several conforming changes to other provisions of the Municipal Code; and

WHEREAS, the City's General Plan designates certain property within the hillside area of the City as "Hillside Very Low, Hillside Low, and Hillside Medium"; and

WHEREAS, the City now desires that, until December 31, 2018, amendments and modifications to the Hillside Ordinance and the General Plan land use designations for hillside property be approved by the voters before becoming effective.

THE PEOPLE OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

Section 1. Amendments and Modifications to the Hillside Ordinance Must Be Approved by the Voters.

Any amendment or modification of the following provisions of the Milpitas Municipal Code shall be approved by the Milpitas voters before taking effect:

1. Subsection XI-1-8.02(b).
2. Section XI-1-15.02.
3. Section XI-10-54.04.
4. Title XI, Chapter 10, Section 45.

Section 2. Modifications to the Hillside Area Boundary Must Be Approved by the Voters.

Lands classified on the City's General Plan Land Use Map as of November 2, 2004 as "Hillside Very Low," "Hillside Low," and "Hillside Medium" shall not be amended to a land use classification other than a land use classification designated "Hillside" unless the amended land use classification is approved by the Milpitas voters.

Section 3. December 31, 2018 Sunset Date.

Sections 1 and 2 of this ordinance shall have no further effect after December 31, 2018.

Section 4. Publication and Effective Date.

This Ordinance shall take effect ten (10) days after its adoption by the voters of Milpitas, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 5. Severability

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

REGULAR

RES 7459

ORDINANCE NO. 264

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS REQUIRING THAT UNTIL DECEMBER 31, 2018, ANY AMENDMENTS OR MODIFICATIONS TO THE HILLSIDE COMBINING DISTRICT ORDINANCE OR THE LAND SUBJECT TO THE HILLSIDE ORDINANCE BE APPROVED BY THE VOTERS OF THE CITY OF MILPITAS

HISTORY: This Ordinance was approved by the voters at the general election November 2, 2004.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:



Gail Blalock, City Clerk

APPROVED:


Jose S. Esteves, Mayor

APPROVED AS TO FORM:



Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITIZENS OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

WHEREAS, in September of 1992, the City Council after an extensive public input adopted Ordinance No. 38.672, which is generally known as the Hillside Ordinance; and

WHEREAS, the purpose of the Hillside Ordinance is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility; and

WHEREAS, the primary regulations of the Hillside Ordinance are set forth at Section 45 of Chapter 10 of Title XI of the Milpitas Municipal Code, which section is entitled "H" Hillside Combining District"; and

WHEREAS, the Hillside Ordinance also made several conforming changes to other provisions of the Municipal Code; and

WHEREAS, the City's General Plan designates certain property within the hillside area of the City as "Hillside Very Low, Hillside Low, and Hillside Medium"; and

WHEREAS, the City now desires that, until December 31, 2018, amendments and modifications to the Hillside Ordinance and the General Plan land use designations for hillside property be approved by the voters before becoming effective.

THE PEOPLE OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

Section 1. Amendments and Modifications to the Hillside Ordinance Must Be Approved by the Voters.

Any amendment or modification of the following provisions of the Milpitas Municipal Code shall be approved by the Milpitas voters before taking effect:

1. Subsection XI-1-8.02(b).
2. Section XI-1-15.02.
3. Section XI-10-54.04.
4. Title XI, Chapter 10, Section 45.

Section 2. Modifications to the Hillside Area Boundary Must Be Approved by the Voters.

Lands classified on the City's General Plan Land Use Map as of November 2, 2004 as "Hillside Very Low," "Hillside Low," and "Hillside Medium" shall not be amended to a land use classification other than a land use classification designated "Hillside" unless the amended land use classification is approved by the Milpitas voters.

Section 3. December 31, 2018, Sunset Date.

Sections 1 and 2 of this ordinance shall have no further effect after December 31, 2018.

Section 4. Publication and Effective Date.

This Ordinance shall take effect ten (10) days after its adoption by the voters of Milpitas, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 5. Severability

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

RESOLUTION NO. 6796

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
TO PLACE BEFORE THE VOTERS OF THE CITY OF MILPITAS AN ORDINANCE
APPROVING A GENERAL PLAN AMENDMENT TO ESTABLISH AN URBAN
GROWTH BOUNDARY AND TO PROCEED WITH RELATED ACTIONS**

WHEREAS, the City Council desires to submit to the voters at the general election on November 3, 1998, an urban growth boundary initiative.

NOW, THEREFORE, the City Council of the City of Milpitas does hereby resolve as follows:

Section 1. That the City Council orders submitted to the voters at the General Election on November 3, 1998, the following question:

"Shall an ordinance be adopted that amends the Milpitas General Land Use Plan to create an Urban Growth Boundary near the base of the Milpitas foothills, effective for twenty years, that would limit development within the City to the valley floor and the base of the foothills by prohibiting the City from providing city services such as police, fire, sewer and water to new land use developments in the hillside area?"	YES
	NO

Section 2. The ordinance to be enacted by the voters pursuant to Section 1 above shall be in the form set forth in Exhibit A, attached hereto.

Section 3. This measure is submitted to the voters pursuant to Elections Code § 9222.

Section 4. The ballots used at the election shall be in the form and content as is required by law.

PASSED AND ADOPTED this 7th day of July, 1998, by the following vote:

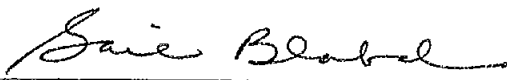
AYES: (3) Vice Mayor Livengood and Councilmembers Lawson and Lee

NOES: (0) None

ABSENT: (1) Dixon

ABSTAIN: (1) Mayor Manayan

ATTEST:


Gail Blalock, City Clerk

APPROVED:


Robert Livengood, Vice Mayor

APPROVED AS TO FORM:


for Steven T. Mattas, City Attorney

EXHIBIT A

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MILPITAS APPROVING A GENERAL PLAN
AMENDMENT TO ESTABLISH AN URBAN GROWTH BOUNDARY AND TO REQUEST
RELOCATION OF THE URBAN SERVICE AREA BOUNDARY**

THE PEOPLE OF THE CITY OF MILPITAS DO ORDAIN AS FOLLOWS:

Section 1. Statement of Purpose and Findings:

- A. The hillsides of the Diablo Range within the Milpitas Planning Area are a unique scenic asset to the City, County and region that significantly contributes to the quality of life of Milpitas residents.
- B. This initiative is intended to preserve the existing predominantly natural and rural character of the Milpitas hillsides by:
 - (i) Confining urban land uses to the flatlands/valley floor.
 - (ii) Recognizing the geologic, topographical and financial constraints on development in rural areas of the hillsides.
 - (iii) Minimizing development in hillside areas of high visibility.
- C. This initiative is also intended to conserve the City's financial resources and prevent any reduction in the quality of City services by:
 - (i) Minimizing hillside development that would require costly infrastructure including, streets and sewers, storm drains and water lines and would jeopardize police and fire services by extending the area where service must be provided. To that end, if this ordinance is adopted by the voters and if LAFCO approves the relocation of the Urban Service Area boundary area to be coterminous with the Urban Growth Boundary, the City will reissue the General Plan Land Use map to show the relocated Urban Service Area boundary.
 - (ii) Preventing the City from incurring high infrastructure maintenance costs for services in the hillsides. For example, in fiscal years 1997-1998 and 1998-1999, the City spent over \$600,000 from the General Fund to repair storm related damage to the sewer system within the hillsides. As a result of this and similar potential expenditures in the future, less money could be available to pay services in other areas, reducing the quality of services provided to existing neighborhoods on the valley floor.

- D. Adequate housing is essential to a thriving community. The Milpitas General Plan promotes efficient housing development for all economic segments of the community through measures such as encouraging infill development, encouraging the creation of affordable housing units, and seeking to diversify housing opportunities in the City. The General Plan provided that 3,662 new units would be constructed to meet the City's share of regional housing needs. Of these units, the General Plan estimated that only 199 (5%) would be constructed in the hillsides. This initiative is consistent with these provisions and predictions because it allows them to be satisfied by development of a variety of housing types, including affordable housing, within the Urban Growth Boundary.

Section 2. General Plan Amendment:

- A. Amendments to the General Plan to establish an urban growth boundary and request relocation of the Urban Service Area boundary: The City of Milpitas General Plan, dated July 1997 as amended through August 3, 1998, Land Use Element, Section 2.6 Land Use Principles and Policies, Land Use Implementing Policies 2.a I-2.1 and 2.a I-2.2 are amended as follows:

"2.a I-2.1 Maintain an Urban Growth Boundary in the hillside area, as shown on the General Plan Land Use Map, that shall be effective until December 31, 2018 and, except as otherwise provided below, shall not be moved until that time."

- A. City Services Prohibited in Area Outside the Urban Growth Boundary and Outside the City Limits: The City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and outside of the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, police, fire or emergency medical service, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits. The City may provide a City service or City service extension to property or people outside of the Urban Growth Boundary only if:

- (i) Declared Public Emergency: The City Council declares a local emergency pursuant to Government Code § 8630 et seq. or Milpitas Municipal Code Title V, Chapter V-1 as they presently exist or may be amended in the future and the City Council finds, based on substantial evidence, that: (1) the extension or provision of service on a temporary basis is necessary to ensure public safety and (2) the extension or provision of service is for a specified limited time period;
- (ii) Urgent Public Health or Safety Concern Affecting Existing Development: The City Council finds, based on substantial evidence, that: (1) an urgent public health or safety concern exists; (2) an independent, certified professional engineer approved by the City has concluded that the only economically justifiable solution to that public health or safety concern is to provide or extend City service; (3) on or before November 3, 1998, the legal parcel affected by that public health or safety concern had either

a vested right to develop an approved land use or an approved and recorded final subdivision map pursuant to which residential units had been constructed within said subdivision; and 4) the applicant for the provision or extension of such City service has agreed to pay for its proportionate share of the service or service extension costs including, but not limited to, any engineering, design, inspection, land acquisition or review or other capital or operating costs incurred by the City. Any City service extension constructed under this Policy 2.a I-2.1A.(ii) shall be constructed in accordance with Section XI-1-7 of the Milpitas Municipal Code (regarding developer installation of improvements);

- (iii) Parks and Open Space: The City Council finds, based on substantial evidence, that: (1) the property is operated as park or open space for the benefit of the general public and owned by either a private open-space trust or a government agency, authority, or district; (2) there would be minimal alteration (e.g. trails and fire roads) of the natural land forms as a result of any land use approval or modification; and (3) the property either will be used exclusively for passive recreational uses consistent with the rural character and indigenous plant and animal species of the hillsides, or contains a designated historic building(s) or setting that will be used for a purpose related to the historic significance of the site. Any property that is extended or provided City service under this Policy 2.a I-2.1.A.(i) shall not be used as golf course, ball field, ball court, amphitheater, amusement park, gymnasium or auditorium; or
- (iv) Mutual Aid Agreements with Other Public Agencies: The City Council finds, based on substantial evidence, that: (1) the City services to be provided are limited to police, fire or emergency medical services, (2) such services are provided pursuant to a written agreement between the City of Milpitas and another public agency, (3) the agreement provides mutual benefits to both the City of Milpitas and the other agency to the agreement, and (4) the agreement benefits all or substantially all of the residents of the City of Milpitas.

- B. Limited City Services Available in Areas Outside the Urban Growth Boundary and Within the City Limits: The City may provide police, fire or emergency medical service to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas. "City police, fire or emergency medical service" means any police, fire or emergency medical service, including construction of directly related infrastructure [except new stations] that the City, its departments, agents or contractors provides to any property or people within the City limits. Other than police, fire and emergency medical services specified herein, the City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. For purposes of this section, "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, including construction of related infrastructure that the

City, its agents, its departments, or its contractors, provides to any property or people within the City limits. Notwithstanding any prohibition provided in this paragraph, the City may continue to maintain and/or repair that portion of Calaveras Road within the City limits and outside of the Urban Growth Boundary.

C. *Amendments to the Urban Growth Boundary:* *Until December 31, 2018, the Urban Growth Boundary may only be amended as follows:*

1. *The Urban Growth Boundary may be amended by a vote of the People of the City of Milpitas;*
2. *To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the Urban Growth Boundary to accommodate lands designated or to be designated for residential uses. No more than 3 acres of land may be brought within the Urban Growth Boundary for this purpose in any calendar year. Land added to the Urban Growth Boundary pursuant to this section must be contiguous to land already within the Urban Growth Boundary. Such amendment may be adopted only if the City Council makes all of the following findings, based on substantial evidence:*
 - a. *That the land is to be included within the Urban Growth Boundary not designated as existing regional parks in the Santa Clara County General Plan adopted December 20, 1994, as amended through August 3, 1998; and*
 - b. *That the land is immediately adjacent to (i) the existing Urban Growth Boundary, and (ii) existing serviceable water and sewer connections;*
 - c. *That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and*
 - d. *That there is no existing residentially designated land within the Urban Growth Boundary to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands inside the Urban Growth Boundary for low and very low income housing; and*
 - e. *That the proposed development is necessary to comply with state law requirements for provision of low and very low income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law; or*
3. *The City Council may amend the Urban Growth Boundary if it makes both of the following findings:*
 - a. *The application of any aspect of the Urban Growth Boundary*

above would constitute an unconstitutional taking of a landowner's property; and

- b. *That the amendment and associated land use designation under consideration by the City Council will allow additional land uses approved by the City Council only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.*

D. Review of the Urban Growth Boundary: *In 2015, prior to its expiration in 2018, the City shall begin a comprehensive review of the Urban Growth Boundary.*

2.a I-2.2 Not later than 45 days after approval of this General Plan Amendment, the City shall take all necessary actions to apply for and request that the Santa Clara County Local Agency Formation Commission ("SC LAFCO") relocate the Urban Service Area boundary so that it is coterminous with the Urban Growth Boundary. The City shall take all actions within the scope of its jurisdiction to support and facilitate SC LAFCO's action regarding the City's request to relocate the Urban Service Area Boundary.

B. Amendment to the Milpitas General Plan Land Use Map: The City of Milpitas General Plan Land Use Map is hereby amended to show the location of the Urban Growth Boundary as shown on Exhibit A attached hereto and incorporated herein by reference.

C. Conforming Amendments to the General Plan:

- 1. The City of Milpitas General Plan, dated July 1997 as amended through August 3, 1998, Land Use Element, is amended as follows. Text to be inserted into the General Plan is indicated in *italic* while text to be stricken is presented in underline, text in standard text currently appears in the General Plan and is not affected by this initiative:

- a. Land Use Principles and Policies, Guiding Principle 2.a-G-6 is added which provides:

"Maintain an Urban Growth Boundary to preserve the existing rural character of the hillsides and avoid costly infrastructure extension thereto."

- b. Table 2-2, titled "1996 Citywide Land Availability" summarizes the status, as of the Spring of 1996, of developed and vacant land within City limits under different General Plan land use classifications. In this Table, after the heading "Undeveloped" in the third column, a new footnote 2 is added which provides:

"As a result of the Urban Growth Boundary described in Implementing Policies 2.a I-2.1 and 2.a I-2.2, certain of the units and acres of undeveloped hillside land reflected in this table may not be developed until after 2018."

In that Table 2-2, the current footnote 2 is renumbered to footnote 3.

- c. Table 2-3, titled "Milpitas General Plan Land Use/Zoning Consistency" summarizes the City of Milpitas zoning districts that are consistent with each General Plan land use classification. In this Table, on the far left text column after the word "HILLSIDE", a new footnote is added which provides:

"See Implementing Policies 2.a I-2.1 and 2.a I-2.2, creating an Urban Growth Boundary, for limitations on City services to most lands under the Hillside land use classification."

- d. Section 2.2, titled "Land Use Classifications" discusses the General Plan land use designations classifications. The fourth paragraph of page 2-6 in the general discussion of the land use classifications in Section 2.2 is revised to provide:

"The density/intensity standards do not imply that development projects will be approved at the maximum density or intensity specified for each use. Where ranges are provided, other General Plan policies, Z zoning regulations consistent with General Plan policies and/or site conditions may reduce development potential within the ranges."

- e. Section 2.2, at page 2-11 and page 2-12, discusses the General Plan land use classifications for the Hillside Area. The fifth paragraph on page 2-11 discusses residential densities within the Hillside Area. That paragraph is revised to provide:

"Residential densities are per gross acre of developable land provided that at least one housing unit may be built on each existing parcel designated for residential use. Densities outlined in the classifications are maximums for the classifications; these decrease with increase in slope as outlined in the classifications and defined in detail in the City's Zoning Ordinance. The City may further reduce the permitted density on a site if such a reduction is necessary or appropriate for reasons of site conditions, availability of City services, access, views or geologic hazards. For example, development in the hillside areas outside the Urban Growth Boundary during the term of the Urban Growth Boundary may be affected because City services will not be provided to the Hillside Area except under limited circumstances. Second units permitted by local regulations and state access-mandated density bonuses for affordable housing are in addition to densities otherwise permitted."

Section 3. Exemptions for Certain Projects:

This initiative shall not apply to any development project that has, as of the effective date of the initiative, a vested right pursuant to state law.

Section 4. Severability and Interpretation:

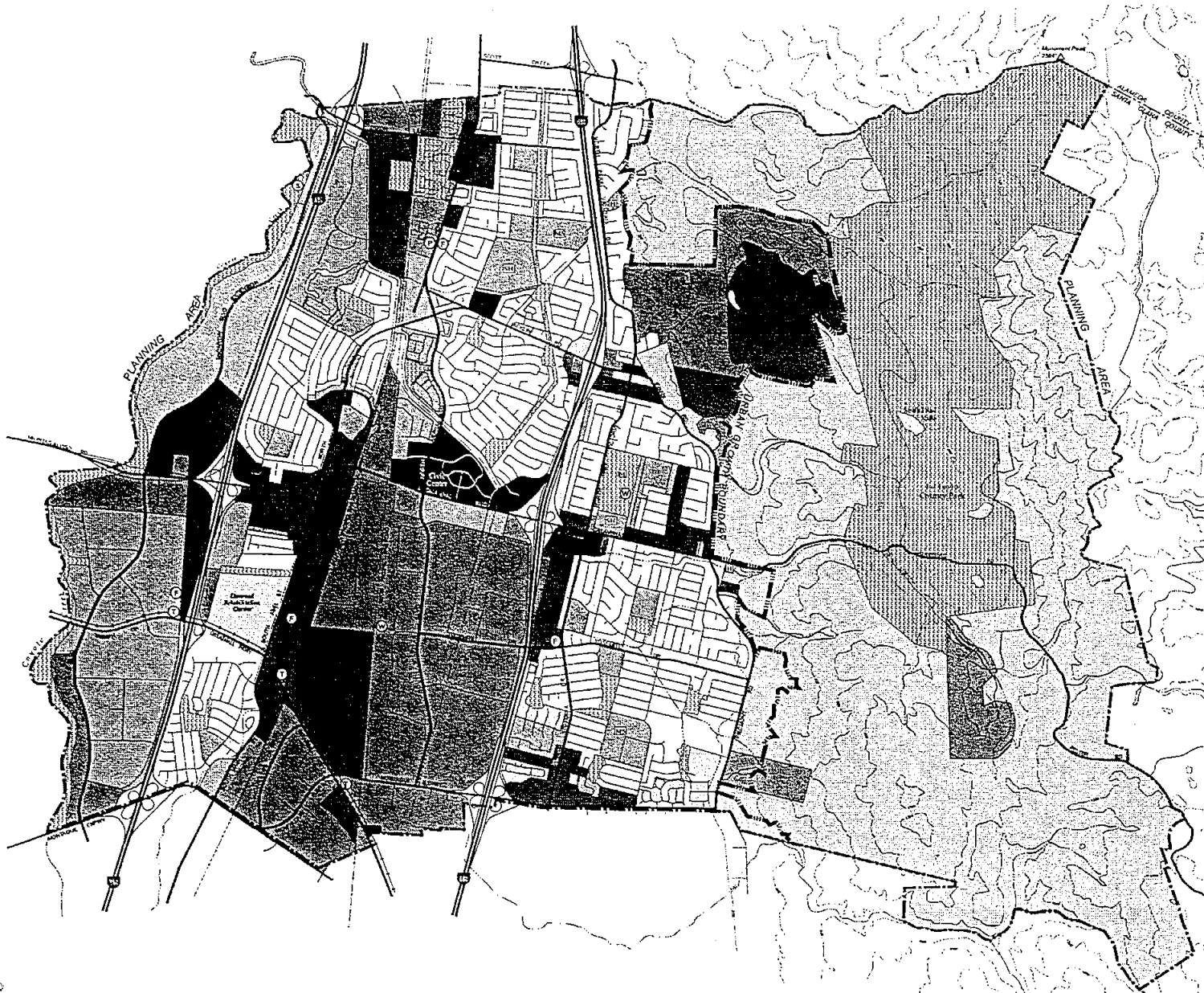
This initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The People of the City of Milpitas hereby declare that this initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. Amendment or Repeal:

Except as otherwise provided herein, provisions of this initiative may be amended or repealed only by a vote of the People of the City of Milpitas.

Exhibit List

Exhibit A - Illustrative Map of Urban Growth Boundary



- HILLSIDE**
- Residential**
- Hillside Very Low (up to 1.0 unit/gross acre)
 - Hillside Low (up to 1.0 unit/gross acre)
 - Hillside Medium (up to 3.0 unit/gross acre)
- VALLEY FLOOR**
- Residential**
- Single Family Low Density (3-5 units/gross acre)
 - Single Family Moderate Density (6-15 units/gross acre)
 - Multi-Family Medium Density (7-11 units/gross acre)
 - Multi-Family High Density (12-20 units/gross acre; up to 40 units/gross acre with special findings and FUD approval)
 - Mobile Home Park
- Mixed Use**
- Mixed Use (refer to approved master plan)
- Commercial**
- Town Center
 - General Commercial
 - Retail Sub-Center
 - Professional/Administrative Office
 - Highway Service
- Industrial**
- Manufacturing & Warehousing
 - Industrial Park
- Public**
- Schools
 - MS = Middle School
 - SH = Senior High School
 - Parks/Recreation
 - M = Major Park/Sports Center
 - H = Historical
 - Correctional Facility
- Facilities**
- Fire Station
 - Police Station/Corporation Yard
 - Sewer Pump Station
 - Water Storage Tank
 - Light Rail Transit Station
- Infrastructure**
- Freeway
 - Arterial
 - Collector/Local
 - Light Rail
 - Urban Growth Boundary & Urban Service Area

*Existing local and collector streets shown for information only - the locations of future new local/collector streets is not indicated.

#The UGB and USA line is located along property lines except for APNs 92-35-002, 92-34-008, and the Lee's Orchard Subdivision where the line is located along the 400 foot contour as shown on the City's contour maps.



City of Milpitas
 GENERAL PLAN
 June 1998

Res 4/6/1996



Measure Z

Urban Growth Boundary

November 3, 1998
General Election

“Shall an ordinance be adopted that amends the Milpitas General Land Use Plan to create an Urban Growth Boundary near the base of the Milpitas foothills, effective for twenty years, that would limit development within the City to the valley floor and the base of the foothills by prohibiting the City from providing city services such as police, fire, sewer and water to new land use developments in the hillside area?”

Yes votes	6,065 / 55.3%
No votes	4,897 / 44.7%

Measure T

Amendments to Hillside Ordinance and General Plan

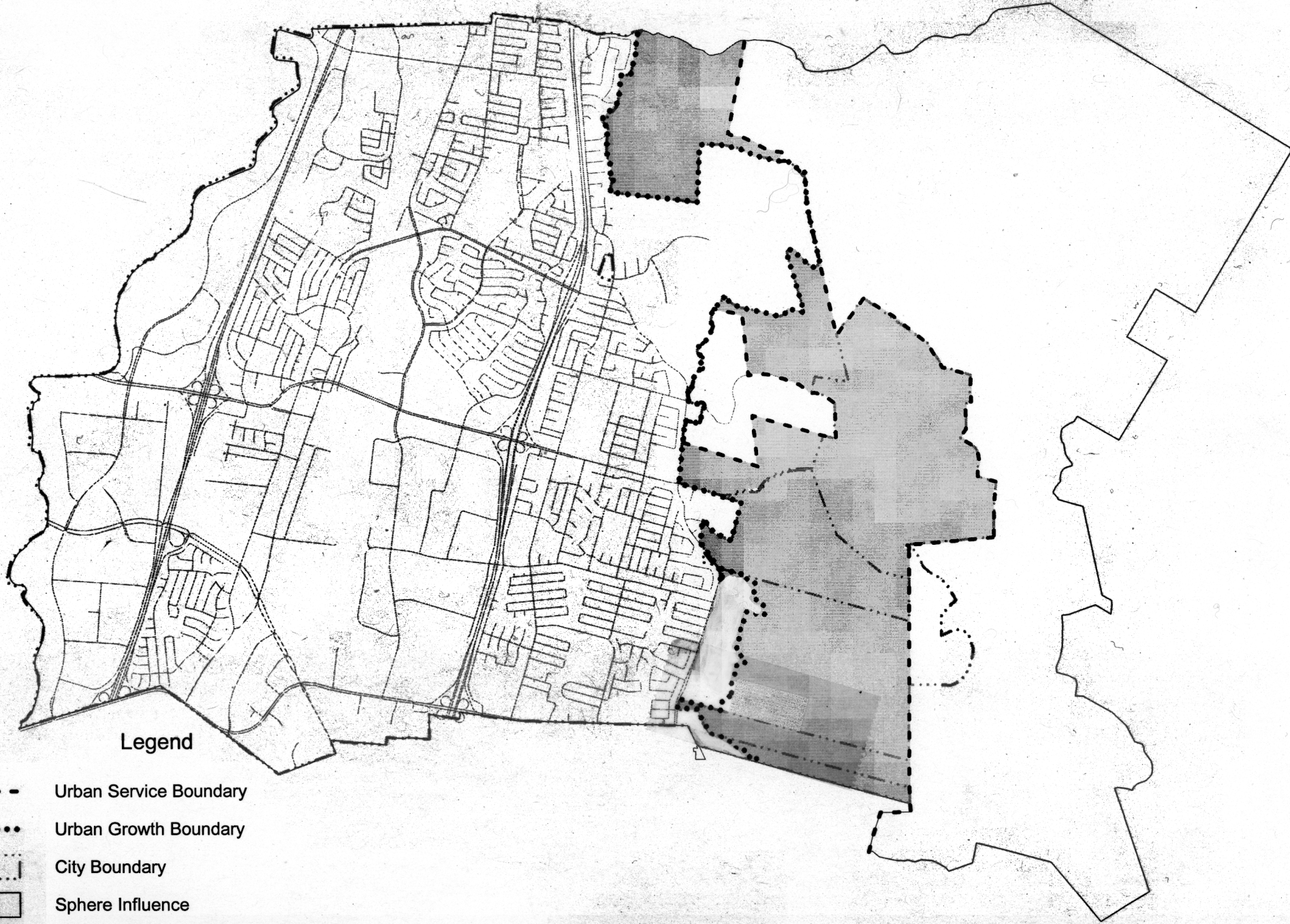
November 2, 2004
General Election

“Shall an ordinance be adopted that requires that, until December 31, 2018, any amendments to the existing "Hillside Combining District" Ordinance and any amendments to the general plan land use designation for lands currently designated as "Hillside" property be approved by the voters before becoming effective?”

Yes votes	10,466 / 65.85%
No votes	5,428 / 34.15%

CITY OF MILPITAS URBAN SERVICE AREA BOUNDARY RELOCATION MAP

7D



Legend

- - - - Urban Service Boundary
- Urban Growth Boundary
- . - . City Boundary
- Sphere Influence
- Properties affected by USA Relocation

*9

**CITY OF MILPITAS
COMMISSION/COMMITTEE APPLICATION**

Community Advisory Commission (Alternate)
Commission

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR **City Clerk's Office**

☒ Mr. ☐ Mrs. ☐ Miss

JUN 17, 2015

RECEIVED

Name:	Evan Ross	Bell
	First Middle Last	
Address:	133 N. Temple Drive., Apt. 70	Milpitas, CA 95035
	Number Street (apt. # if needed)	City & Zip Code
Telephone Number(s)	408-416-7312	ebell1987@gmail.com
		e-mail address
Present Employer	Harvey M. Rose Associates, LLC	408-299-6434
		Business Telephone
Business Address	70 W. Hedding Street, San Jose, CA 95110	Senior Analyst
		Occupation

Education: If Youth Advisory Commission applicant, indicate your grade/school: _____

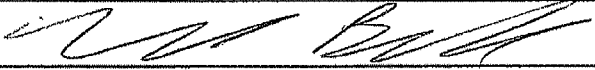
College, Professional, Vocational, or other schools attended	Major Subject	Date	Degree
Arizona State University	Communications	08/13/2013	MMC
Lake Forest College	Politics/Philosophy	05/10/2010	BA

List community organizations to which you belong or have belonged (additional information may be attached). If application is for **Veterans Commission**, indicate branch and service in any U.S. military organization (retired or active duty).

Date	Name of Organization or Branch of Military	Officer / Member

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
I have lived in Milpitas since April 2014. I am a relative newcomer to the town, but I am a smart, savvy young person who desires to be a full and responsible member of the community in which I live. I feel like the city would benefit from having a different voice on the commission, especially as somebody who, while not knowing all the issues the city currently faces, would approach each new issue with a fair and pragmatic outlook. I hope you consider me for this appointment.

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.


Signature

06/11/2015

Date

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year** from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:
City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: mlavelle@ci.milpitas.ca.gov

**CITY OF MILPITAS
ECONOMIC DEVELOPMENT COMMISSION**

BYLAWS

This Economic Development Commission was established by the Milpitas City Council on February 18, 2003.

Section 1. Purpose

The purpose of the Economic Development Commission is to advise the City Council on business issues and to design, develop, and implement a comprehensive economic development program for the City of Milpitas.

Section 2. Charged

1. Promote and cultivate retention and expansion of businesses as well as attraction of new businesses.
2. Ensure City-wide economic development sustainability and a viable financial base for the City.
3. Maintain a successful business climate.
4. Maintain a diverse job base and workforce development.
5. Cultivate relationships with business organizations and City commissions in order to gain economic development opportunities for the City.

Section 3 Membership

The Economic Development Commission is composed of eleven (11) regular members and two (2) alternate members appointed by the Mayor and approved by the City Council. Commission members and alternates need not be Milpitas residents, but must represent a business located in Milpitas. The Commission shall be comprised of one representative from each of the following organizations and areas:

Chamber of Commerce
Milpitas Unified School District
Technology
Restaurants

Commercial/ Residential Real Estate
Commercial Real Estate
Hotels/Accommodations

And two representatives from each of the following organizations and areas:

Retail Business/Commercial Business
Resident

In addition, the City Council may appoint a Council liaison to serve on the Milpitas Economic Development Commission in a non-voting capacity.

Section 4. Term of Office and Removal

The term of office for the Economic Development Commission members will be three years, or until reappointed or a successor is appointed. The term of office for alternates is two years or until reappointed or a successor is appointed. Members and alternates are expected to attend all meetings. When any member or alternate has three or more unexcused absences in a 12-month period, the Commission shall forward this information to the City Council for review and possible removal of the member or alternate from the Commission. Any member or alternate of the Economic Development Commission may be removed from office by a majority vote of the City Council at a regularly scheduled Council meeting.

Members and alternates may apply for reappointment by submitting a letter or email of interest to the Mayor with a copy to the Commission Chair one month prior to the expiration of his/her term of office. Any member or alternate of the Commission who wishes to resign should submit a letter of resignation or email to the Mayor with a copy to the Commission Chair.

Section 5. Vacancies

Vacancies will be filled for the unexpired portion of the term in the same manner as the original appointment.

Section 6. Officers

A Chair and Vice Chair will be selected annually at the first meeting of the calendar year from the appointed members for a term of one year. The Chair will call for meetings and preside over all sessions. In the absence of the Chair, the Vice Chair will preside. In the absence of both the Chair and Vice Chair, the member with the longest continuous service on the Commission will preside.

Section 7. Meetings

The Economic Development Commission shall hold regular meetings on the 2nd Monday of each month, at 4:00 p.m. The Commission shall not meet during the months of July and December. All meetings shall be open to the public. Should a scheduled meeting occur on a holiday, said meeting will be deferred to the same day of the following week or to a date agreed upon by a majority of the Commission. Special meetings of the Economic Development Commission may be called by a majority of the members, Chair through staff, staff, or City Council. Notice of any special meeting shall be given as required by law. Except as otherwise provided by these Bylaws, the Commission will follow the latest edition of Robert's Rules of Order or rules of parliamentary procedure for the orderly conduct of meetings.

Section 8. Quorum

Any six (6) members of the Commission shall constitute a quorum for the transaction of business.

Section 9. Voting and Seating of Alternates

Voting authority is extended to nine regular members. An alternate member shall vote only if seated in the absence of a regular member. In the event that a regular member is absent, alternate members shall be seated in order of their alternate position. If a member arrives after an alternate has been seated, the alternate shall remain as the voting member until the end of the meeting.

Section 10. Duties of Commission to be Advisory Only

It is intended that the Economic Development Commission shall be an advisory body to the City Council. Nothing herein contained shall be construed as a limitation on the power of the City Council or the

administrative staff of the City in their supervision or authority over property or personnel under their jurisdictions.

Section 11. Assistance of Staff

The City Manager of the City of Milpitas shall provide the Economic Development Commission with such information and staff assistance as the Economic Development Commission may from time to time request subject to the limitations imposed by the City Council. The staff member designated by the City Manager shall attend meetings of the Economic Development Commission and submit such reports as said Economic Development Commission may request and as deemed necessary or desirable, subject to limitations imposed by the City Council.

Section 12. Amendments

These By-laws and operating procedures may be amended by simple majority of those voting at any legal Economic Development Commission meeting, subject to approval by City Council.

PASSED AND ADOPTED by the Milpitas Economic Development Commission, the 9th day of June, 2003.

PASSED AND ADOPTED by the Milpitas City Council on the 19th day of August, 2003.

PASSED AND ADOPTED by the Milpitas City Council on the 17th day of March, 2009.

*14

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form
for Non-Profit Organizations

City Clerk's Office

JUL 16 2015

Complete this form and return it to Milpitas City Clerk

RECEIVED

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: St. Elizabeth Catholic Church

Is there a Milpitas branch or affiliation? n/a

Mailing Address: 750 Sequoia Drive
Milpitas, CA 95035

Contact Person: Tina Delos Santos Telephone No. 408 439-0566

Email Address: tinadelossantos14@gmail.com

What is your request? Donation Amount Requested _____ OR

Fee Requested to be waived (type and \$ amount) Special Event Permit: \$250.00
Temporary Fire Assembly Permit: \$523.77
Electrical Fees: \$544.00 \$1,317.77 1430.77

Event date(s): Sunday, Aug 16, 2015 Total Fees waived

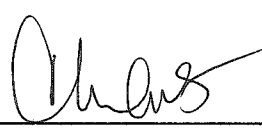
What is the purpose of the event? Parish Festival is to bring the community together in a fun day with family, friends & to bring neighborhood together.
The event promotes wholesome community activities.

How will the Milpitas community benefit from this event? Clean fun and games for youth, entertainment for all attendees and many more. Healthy, clean & friendly event like this will help Milpitas community & families together. The diverse community will experience oneness, the spirit of cooperation & the good
friendly relationship.

What % of the fund raising proceeds will benefit Milpitas community? The event is not primarily to raise funds. It is to provide activities for the whole community to enjoy, relax & be together. It is an appreciation of diversity & unity.
Funds that may be raised will be used to provide support & facilities for the community members.

How will the City's contribution (if granted) be recognized in any publicity? The church community has a Parish Bulletin; whatever amount is contributed by the city through waiver of fees shall be mentioned.

Within 60 days after completion of the event for which a donation was received or a fee waiver/reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: 

Date: 7/15/2015

Print Name & Title: Tina Delos Santos
Chairperson
Pastoral Council
St. Elizabeth Church

Mary Lavelle**From:** Tina DelosSantos [tinadelossantos14@gmail.com]**Sent:** Monday, July 20, 2015 7:40 PM**To:** Mary Lavelle**Cc:** Tina Delos Santos**Subject:** Re: Fee Waiver Application for St. Elizabeth Parish**City Clerk's Office****JUL 21, 2015****RECEIVED**

Hi Mary,

I made an error on the application I submitted, I forgot to add \$113.00 (Permit Issuance Fee) to the Electrical Fees.

Here is the revised Waiver Application Form, see attached. The total amount our parish is requesting for waiver is \$1,430.77.

Waived Fees	
Special Event Permit:	\$250.00
Temporary Fire Assembly Permit:	\$523.77
Electrical Fees:	\$657.00
	\$1,430.77

Thank you for your help.

Regards,
TinaOn Thu, Jul 16, 2015 at 9:50 AM, Mary Lavelle <mlavelle@ci.milpitas.ca.gov> wrote:

Yes, I received your paperwork. Your request can go to the City Council for a vote on August 4 meeting agenda.

Mary Lavelle

7/21/2015

Date: _____ Building Permit No. _____ Fire Record No. _____

Milpitas Fire Department Project Transmittal Sheet – 2013 fee schedule

Please complete form. Choose the activity from the categories below that represents the permit type. Calculate fees due and submit payment to the Finance Department. One copy of this form with receipt must accompany plans. **Plans will not be processed without prior payment (NO CREDIT CARD).** Call 408-586-3365 for questions and assistance.

Company Name (Applicant): St. Elizabeth Church Contact Person: _____
 Co. Address (Applicant): _____ Contact Phone #: _____
 City: _____ State: _____ Zip Code: _____
 Company Phone #: _____ Contact Person E-mail: _____
 Project Name (Business): _____
 Project Address (Bus. site): _____
 Scope of Work: Defendant Tent & Assembly / Event

FEES ⁽¹⁾ – EFFECTIVE JULY 01, 2013 - THE CITY OF MILPITAS RESERVES THE RIGHT TO AMEND THE FEE SCHEDULE

→ LIFE SAFETY (L/S) - (100-3221)		→ LIFE SAFETY CONT. - (100-3221)	
☐ Fire Underground Water Systems		☐ Miscellaneous Fire Permits Cont.	
☐ Underground Lateral - new or replace (each)	\$ 820.00	☐ Failure to obtain a permit ⁽²⁾	Double Fees
☐ Underground Lateral - repair (each)	\$ 328.00	☐ Revision: 1 hour charge min. or (HR * \$/HR)	\$ 164.00
☐ Underground Fire Line - new or repair (per HR) ⁽⁴⁾	See note ⁽⁴⁾	☐ Other activities not listed (\$164.00/HR)	
☐ Fire Sprinkler Systems			
☐ New, addition, alteration (≤ 2K SF)	\$ 492.00	→ HAZARDOUS MATERIALS - (100-3220)	
☐ New, addition, alteration (> 2K SF)	Per fee formula	☐ Tenant Improvement	
Fee = \$492 + [\$0.1148/SF * (Area SF - 2K SF)]		☐ Small Haz Mat (piping)	\$ 328.00
		☐ Medium Haz Mat (tanks, treatment, etc)	\$ 820.00
☐ Fire Alarms Systems		☐ Large Haz Mat (plating, H Occupancy)	\$ 1,476.00
☐ Addition, alteration, repair < 5 devices	\$ 328.00	☐ Closures	
☐ Addition, alteration, repair 5 to <10 devices (≥ 10 devices and/or new panel see "new system" below)	\$ 656.00	☐ Small Facility	N/C
☐ New system (≤ 5K SF)	\$ 656.00	☐ Medium Facility	\$ 492.00
☐ New system (> 5K SF)	Per fee formula	☐ Large Facility	\$ 820.00
Fee = \$656 + [\$0.0984/SF * (Area SF - 5K SF)]		☐ Process/tool closure	\$ 492.00
		☐ Underground Tank	
☐ Miscellaneous Fire Permits		☐ Tank installation, 2 or less	\$ 1,312.00
☐ Hood and Duct System (each)	\$ 656.00	☐ Each additional tank installation (beyond 2)	\$ 328.00
☐ FM 200, or other fire extinguishing systems (deluge, foam, pre-action, etc.) (each)	\$ 656.00	☐ Tank system removal, 2 tanks or less	\$ 492.00
☒ Tents, canopies, membrane structures 4 or less	\$ 492.00	☐ Each additional tank removal	\$ 164.00
☐ Tents, canopies, membrane structures 5 or more	\$ 656.00	☐ Miscellaneous Haz Mat Permits	
☐ Fire clearance, pre-insp., serving 25 or less clients	\$ 50.00	☐ Fire Code permit not otherwise listed (2HR)	\$ 328.00
☐ Fire clearance, pre-insp., serving 26 or more	\$ 100.00	☐ Alternate Materials & Methods Review (each)	\$ 656.00
☐ Temporary Assembly, 50-299 Occupants	\$492.00	☐ CERS (CA Environmental Reporting Sys.)	\$ 328.00
☐ Temporary Assembly, 300-999 Occupants	\$820.00	☐ APSA (Aboveground Petroleum Storage Act)	\$ 328.00
☐ Temporary Assembly, 1000 or more Occupants	\$1,312.00	☐ Failure to obtain a permit ⁽²⁾	Double Fees
☐ Fire Code permit not otherwise listed (2 HR)	\$ 328.00	☐ Other activities not Listed (\$164.00/Hour)	
☐ Alternate Materials & Methods Review (each)	\$ 656.00	→ Fast Track or After Hours Inspection (extra) (100-3252) ⁽³⁾	\$ 738.00 ⁽³⁾

NOTES:

- The Fire Department reserves the right to evaluate paid fees and make adjustments when necessary.
- Failure to obtain a permit will result in double the standard permit fees.
- Limited to staff availability. Requires prior approval for this service.
Fee = OTS/HR = \$246.00, (with 3 HRS minimum charge).
- Please contact the Fire Prevention Division for new fire water-line fees.
Minimum charge is 3 hrs. (\$164.00/HR).
- Emergency Response Mapping Fee \$ 164.00 (new site - project)
- Standard charge per HR = \$164.00. For overtime is OTS/HR = \$246.00.

TOTAL FEES:

L/S Fire Fees (100-3221 F1)	\$ 492.00
Hazardous Materials Fire Fees (100-3220 FI)	\$
Fire Dept. GIS Mapping (100-3691 FG) ⁽⁵⁾	\$
Fast Track/After Hours (100-3252 FFT)	\$
Fire Dept. Automation Fee (100-3692 FAF)	\$ 6.77
Archive Fee (100-3639 FV)	\$ 25.00
Total Fees for Fire Dept. Process ⁽¹⁾	\$ 523.77

Finance Department Use Only

Date Paid: _____	Total Amount Paid: _____
City of Milpitas Bus. Lic. #: _____	Receipt Number: _____

1 copy to Finance; 1 copy to Fire Department with plans; 1 copy to Applicant

* This transmittal is not a complete list of Fire fees. For a complete list, please contact the Fire Prevention Division



CITY OF MILPITAS
Building & Safety Department
455 E. Calaveras Blvd.
Milpitas, CA 95035
408-586-3240
www.ci.milpitas.ca.gov

ELECTRICAL MECHANICAL PLUMBING PERMIT WORKSHEET

DATE: _____

BUILDING PERMIT #B - _____

ELECTRICAL PERMIT #B - EL _____

MECHANICAL PERMIT #B - ME _____

PLUMBING PERMIT #B - PL _____

PROJECT ADDRESS: 750 Segura Dr., Milpitas, CA 95035 Suite # _____

ELECTRICAL

DESCRIPTION	CODE	FEE	TOTAL QTY	TOTAL
Receptacle Outlets, multiple on one circuit	EP73	\$72/first 20 each \$56/ea additional 20		
Receptacle, fed from dedicated circuit	EP73a	\$32/ea		
Junction box, fed from dedicated circuit	EP107	\$32/ea		
Power pole for cubicles	EP72	\$32/ea		
Switches, Dimmers, Occupancy sensors, Sensor Power Packs, etc.	EP74	\$72/first 20 each \$56/ea additional 20		
Lighting Fixtures, Sockets	EP77	\$72/first 20 each \$56/3a additional 20		
Track lighting with fixtures	EP77a	\$1/lf		
Pole/Platform-Mounted/theatrical Fixtures	EP79	\$32/ea		
HEPA filter	EP105	\$72/first 20 each \$56/ea additional 20		
Sign, lighting systems from one branch circuit	EP15	\$118/first one \$72/ea additional		
Electrical vehicle charging station, residential	EP103	\$32/ea		
Electrical vehicle charging station, commercial	EP104	\$56/ea		
Residential Equipment or Appliance, fed from dedicated circuit	EP08	\$32/ea		
Commercial Equipment or Appliance, fed from dedicated circuit	EP06	\$56/ea		
Miscellaneous Apparatus, Conduits & Conductors	EP92	\$56/ea		
Special Circuitry, per circuit	EP65	\$56/ea		
Construction Temporary Power Pole with service panel, each pole	EP42	\$56/ea		
Power Apparatus (UPS) or Transformer	EP81	\$56/ea		
Time Clock	EP106	\$32/ea		
Circuit Breaker Panel/Subpanel, Lighting Control Panel	EP07	\$56/ea		
Services - not over 200 amps (new or change)	EP87a	\$72/ea		
Services - 201 amps - 1000 amps (new or change)	EP87b	\$118/ea		
Services - over 1000 amperes (new or change)	EP87c	\$173/ea		
Generator, portable	EP100	\$72/ea	1	72.00
Generator, 10 kW or less	EP101	\$118/ea	4	472.00
Generator, more than 10 kW	EP102	\$173/ea		
Swimming Pool/Spa	EP44	\$173/ea		
Elevator	EP48	\$118/ea		
NEW RESIDENTIAL BUILDING - SQ. FT. FEES				
Permit Fee, New Residential Construction, Single-Family	EP301	\$0.15/sf		
Permit Fee, New Residential Construction, Multi-Family	EP302	\$0.10/sf		
			SUB TOTAL:	\$544.00

MECHANICAL

DESCRIPTION	CODE	FEE	TOTAL QTY	TOTAL
Install Furnace or Heater, Residential (not including duct work)	MP02	\$87/ea		
Install/Replace Condenser, VAV or Fan Coil 0-5 ton <2000 CFM	MP22	\$56/first one \$40/ea additional		
Install/Replace Condenser, VAV or Fan Coil Over 5 ton >2000 CFM	MP23	\$118/first one \$56/ea additional		
Roof-top HVAC package unit including duct work	MP47	\$118/ea		
Duct Work per unit or System	MP14	\$56/ea		
Install/Replace Fire or Fire/Smoke Dampers	MP24	\$56/five ea		

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: May 29, 2015

Person to Contact:

R. Meyer ID# 0110429

Toll Free Telephone Number:

877-829-5500

Employer Identification Number:

53-0196617

Group Exemption Number:

0928

United States Conference of Catholic
Bishops
3211 4th Street, NE
Washington, DC 20017-1194

Dear Sir/Madam:

This responds to your May 19, 2015, request for information regarding the status of your group tax exemption.

Our records indicate that you were issued a determination letter in March 1946, that you are currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and are not a private foundation within the meaning of section 509(a) of the Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(i).

With your request, you provided a copy of the *Official Catholic Directory for 2015*, which includes the names and addresses of the agencies and instrumentalities and the educational, charitable, and religious institutions operated by the Roman Catholic Church in the United States, its territories, and possessions that are subordinate organizations under your group tax exemption. Your request indicated that each subordinate organization is a non-profit organization, that no part of the net earnings thereof inures to the benefit of any individual, and that no substantial part of their activities is for promotion of legislation. You have further represented that none of your subordinate organizations is a private foundation under section 509(a), although all subordinates do not all share the same sub-classification under section 509(a). Based on your representations, the subordinate organizations in the *Official Catholic Directory for 2015* are recognized as exempt under section 501(c)(3) of the Code under GEN 0928.

Donors may deduct contributions to you and your subordinate organizations as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gifts tax purposes if they meet the applicable provisions of section 2055, 2106, and 2522 of the Code.

Subordinate organizations under a group exemption do not receive individual exemption letters. Most subordinate organizations are not separately listed in Publication 78 or the EO Business Master File. Donors may verify that a subordinate organization is included

in your group exemption by consulting the *Official Catholic Directory*, the official subordinate listing approved by you, or by contacting you directly. IRS does not verify the inclusion of subordinate organizations under your group exemption. See IRS Publication 4573, *Group Exemption*, for additional information about group exemptions.

Each subordinate organization covered in a group exemption should have its own EIN. Each subordinate organization must use its own EIN, not the EIN of the central organization, in all filings with IRS.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

A handwritten signature in black ink that reads "Tamera Ripperda". The signature is written in a cursive, flowing style.

Tamera Ripperda
Director, Exempt Organizations



*15

CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA 95035-5479
GENERAL INFORMATION: 408-586-3000 www.ci.milpitas.ca.gov

June 10, 2015

Mr. Mark Wong
1026 N. Abbott Ave
Milpitas, CA 95035

sent via **US postal mail** and e-mail to mark.wong.r3qm@statefarm.com

Dear Alternate Member Wong:

Attendance records show that you have not attended any regular meetings of the Milpitas Economic Development Commission this year, and missed most scheduled meetings in 2014 also. The last meeting you attended was on March 14, 2014. Per Commission By-laws, you are required to attend all meetings, unless excused in advance. Below is the applicable section of the EDC By-laws:

Section 3. Term of Office and Removal

The term of office for the Economic Development Commission members will be three years, or until reappointed or a successor is appointed. The term of office for alternates is two years or until reappointed or a successor is appointed. Members and alternates are expected to attend all meetings. When any member or alternate has three or more unexcused absences in a 12-month period, the Commission shall forward this information to the City Council for review and possible removal of the member or alternate from the Commission. Any member or alternate of the Economic Development Commission may be removed from office by a majority vote of the City Council at a regularly scheduled Council meeting.

If you are no longer able to serve or possibly no longer in the Milpitas area, you must inform Mayor Jose Esteves and myself in writing (via e-mail would be fine). Alternately, you may return this letter by completing the bottom portion and mailing it back in postal mail or by e-mail. If I do not hear back from you in one month's time, the City Council can vote to remove you formally from the Commission. You are welcome to call me at City Hall at 408-586-3001 if you have any questions.

Sincerely,

Mary Lavelle
City Clerk

c: Vice Mayor Carmen Montano, City Council liaison
Warren Wettenstein, Chair of the EDC
Edesa Bitbadal, EDC staff liaison

I, **Mark Wong**, no longer wish to serve on the City of Milpitas Economic Development Commission as an Alternate Member, so I hereby resign as of the date signed below.

Commissioner Signature

Date

CITY OF MILPITAS
INVESTMENT PORTFOLIO STATUS

PERCENT OF TOTAL DOLLARS INVESTED AT QUARTER ENDED

<u>TYPE OF SECURITY</u>	<u>Jun-15</u>	<u>Mar-15</u>	<u>Dec-14</u>	<u>Sep-14</u>
LAIF & Money Market	27	28	31	32
Corporate Medium Term Notes	9	8	9	9
Treasury Notes / Bills	16	18	18	16
Federal Agency	47	45	41	43
Negotiable CD's	1	1	1	<1
	100	100	100	100

	<u>Jun-15</u>	<u>Mar-15</u>	<u>Dec-14</u>	<u>Sep-14</u>
Market Value	182,525,010	162,631,657	152,935,989	152,417,238
Cost	182,337,137	162,155,260	152,924,177	152,495,303

Days

Weighted Average Maturity	507	510	517	521
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Rates

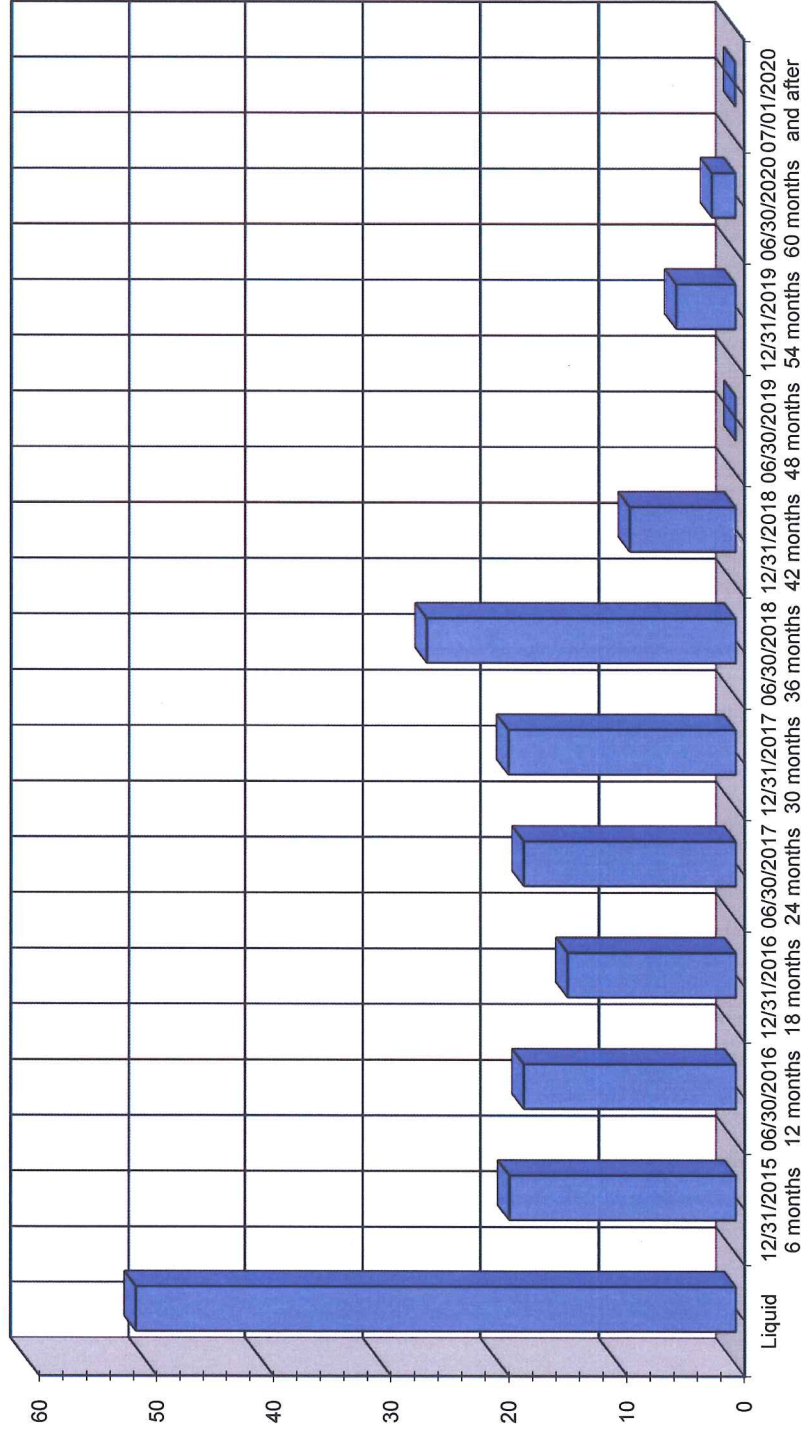
Average Yield	0.70%	0.66%	0.66%	0.63%
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Benchmarks:

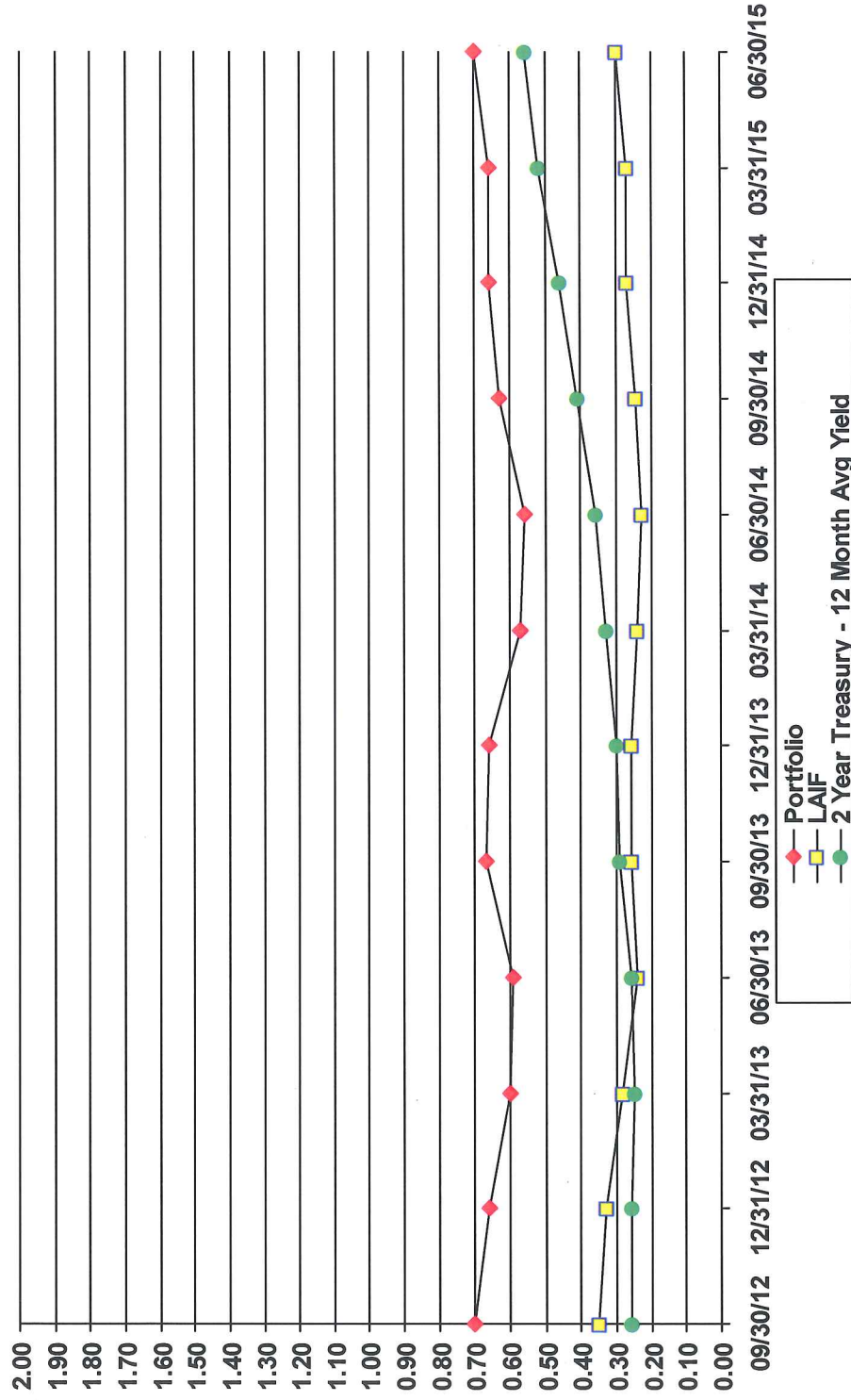
LAIF	0.30%	0.27%	0.27%	0.25%
2 Year Treasury - (12 Month Average)	0.56%	0.52%	0.46%	0.41%

Exhibit 2

**City of Milpitas Investment Portfolio
Maturity by Six Month Intervals as of 06/30/2015**



City of Milpitas Investment Portfolio Yields Compared to Benchmarks for the Quarters Ended 09/30/12 – 06/30/15



City of Milpitas
Portfolio Management
Portfolio Summary
June 30, 2015

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
LAIF	45,000,000.00	45,016,919.05	45,000,000.00	24.68	1	1	0.296	0.300
Money Market Funds	4,060,641.48	4,060,641.48	4,060,641.48	2.23	1	1	0.010	0.010
Corporate Notes	17,000,000.00	17,034,452.49	17,069,142.73	9.36	1,311	690	0.959	0.973
Federal Agency	75,000,000.00	75,077,960.00	75,003,243.01	41.13	1,401	799	1.030	1.044
Federal Agency Discounts	10,000,000.00	9,999,000.00	9,999,462.50	5.48	70	43	0.046	0.046
Treasury Coupon Securities	29,000,000.00	29,067,894.35	28,943,418.21	15.87	1,191	635	0.863	0.875
GNMA	11,229.53	11,383.87	11,229.53	0.01	7,208	634	8.074	8.187
Negotiable CDs -2	2,250,000.00	2,256,758.42	2,250,000.00	1.23	1,097	849	1.173	1.189
Investments	182,321,871.01	182,525,009.66	182,337,137.46	100.00%	906	507	0.741	0.751

Cash								
Passbook/Checking (not included in yield calculations)	2,451,000.46	2,451,000.46	2,451,000.46		1	1	0.005	0.005
Total Cash and Investments	184,772,871.47	184,976,010.12	184,788,137.92		906	507	0.741	0.751

Total Earnings	June 30	Month Ending	Fiscal Year To Date	Fiscal Year Ending
Current Year	105,685.24		1,083,863.88	1,083,863.88
Average Daily Balance	184,251,325.15		158,924,469.69	
Effective Rate of Return	0.70%		0.68%	

To the best of my knowledge, this report accurately reflects all City and RDA pooled investments and is in conformity with all State laws and the City's investment policy. A copy of the policy is available at the office of the City Clerk. This investment program herein shown provides sufficient cash flow liquidity to meet next six months' estimated expenditures.

 Emma C. Karlen, Director of Finance

7/21/15

Reporting period 06/01/2015-06/30/2015

Run Date: 07/20/2015 - 14:44

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City of Milpitas
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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
LAIF												
SYS82000010	82000010	Local Agency Invest. Fd - City			26,000,000.00	26,009,775.45	26,000,000.00	0.300		0.300	1	
SYS97090401	97090401	Local Agency Invest. Fd - MPFA			19,000,000.00	19,007,143.60	19,000,000.00	0.300		0.300	1	
		Subtotal and Average	43,170,000.00		45,000,000.00	45,016,919.05	45,000,000.00			0.300	1	
Money Market Funds												
SYS	12020109	Dreyfus Treasury & Agency Fund			0.00	0.00	0.00	0.010	AAA	0.010	1	
SYS	150601930	Dreyfus Treasury & Agency Fund		06/01/2015	318,142.70	318,142.70	318,142.70	0.010	AAA	0.010	1	
SYS	150317318	U S Bank		03/17/2015	276,640.07	276,640.07	276,640.07	0.010	AAA	0.010	1	
SYS	150317319	U S Bank		03/17/2015	3,465,858.71	3,465,858.71	3,465,858.71	0.010	AAA	0.010	1	
		Subtotal and Average	7,342,812.64		4,060,641.48	4,060,641.48	4,060,641.48			0.010	1	
Corporate Notes												
037833AJ9	13051301	Apple Inc		05/13/2013	2,000,000.00	1,979,780.00	1,997,236.60	1.000	AA+	1.050	1,037	05/03/2018
063666RJH9	12110601	Bank of Montreal		11/06/2012	1,000,000.00	1,001,330.00	1,000,243.06	0.800	A+	0.729	128	11/06/2015
084664BW0	15060501	Berkshire Hathaway Financial		06/05/2015	1,000,000.00	1,000,832.22	1,003,251.62	1.300	AA	1.210	1,049	05/15/2018
166764AA8	13060501	Chevron Corporation		06/05/2013	1,000,000.00	995,720.00	998,203.44	1.104	AA	1.180	888	12/05/2017
166764AV2	15041701	Chevron Corporation		04/17/2015	1,000,000.00	1,001,248.33	1,009,662.74	1.365	AA	1.060	975	03/02/2018
30231GAL6	15031201	Exxon Capital Corp		03/12/2015	1,000,000.00	999,407.50	1,001,026.16	1.305	AAA	1.274	979	03/06/2018
38259PAC6	12120602	Google Inc		12/06/2012	1,000,000.00	1,014,920.00	1,012,773.72	2.125	AA	0.660	323	05/19/2016
88579YAD3	12021401	3M Company		02/14/2012	2,000,000.00	2,016,400.00	2,009,089.15	1.375	AA-	1.000	456	09/29/2016
594918AV6	15052601	Microsoft Corp		05/26/2015	1,000,000.00	1,008,620.00	1,015,889.69	1.625	AAA	1.151	1,254	12/06/2018
594918AS3	15060502	Microsoft Corp		06/05/2015	1,000,000.00	995,244.44	999,549.98	1.000	AAA	1.050	1,035	05/01/2018
742718DV8	13051302	Proctor & Gamble Co		05/13/2013	1,000,000.00	1,007,620.00	1,010,168.94	1.450	AA-	0.535	411	08/15/2016
822582AU6	12120601	Shell Int'l Finance BV		12/06/2012	1,000,000.00	1,000,800.00	1,000,286.70	0.625	AA	0.557	156	12/04/2015
89233P5E2	13052001	Toyota Motor Credit		05/20/2013	1,000,000.00	1,014,740.00	1,014,062.33	2.000	AA-	0.815	442	09/15/2016
931142DF7	15031202	Walmart Stores		03/12/2015	1,000,000.00	996,180.00	997,412.08	1.125	AA	1.220	1,015	04/11/2018
961214BW2	12100201	Westpac Banking Corp		10/02/2012	1,000,000.00	1,001,610.00	1,000,286.52	1.125	AA-	1.000	86	09/25/2015
		Subtotal and Average	16,805,422.20		17,000,000.00	17,034,452.49	17,069,142.73			0.973	690	
Federal Agency												
3133EADW5	12021702	Federal Farm Credit Bank		02/17/2012	2,000,000.00	2,000,960.00	2,000,000.00	0.550	AA+	0.550	47	08/17/2015
3133EAQV3	12051501	Federal Farm Credit Bank		05/15/2012	2,000,000.00	2,001,360.00	2,000,000.00	0.550	AA+	0.550	76	09/15/2015
3133EAAU9	12061401	Federal Farm Credit Bank		06/14/2012	3,000,000.00	3,012,690.00	3,000,000.00	0.750	AA+	0.750	349	06/14/2016
3133EAVO8	12062901	Federal Farm Credit Bank		06/29/2012	2,000,000.00	2,001,300.00	2,000,000.00	0.800	AA+	0.800	519	12/01/2016
3133EARB6	12062902	Federal Farm Credit Bank		06/29/2012	1,000,000.00	1,004,440.00	1,000,863.46	0.750	AA+	0.650	321	05/17/2016
3133ECMM3	13042501	Federal Farm Credit Bank		04/25/2013	2,000,000.00	1,994,040.00	2,000,000.00	0.600	AA+	0.600	664	04/25/2017

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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Federal Agency												
3133ECPA6	13051502	Federal Farm Credit Bank		05/15/2013	2,000,000.00	1,993,160.00	2,000,000.00	0.600	AA+	0.600	684	05/15/2017
3133ECT79	13062701	Federal Farm Credit Bank		06/27/2013	2,000,000.00	2,012,520.00	2,000,000.00	1.000	AA+	1.000	609	03/01/2017
3133ECTC8	13062801	Federal Farm Credit Bank		06/28/2013	2,000,000.00	2,005,180.00	1,999,376.77	0.640	AA+	0.695	211	01/28/2016
3133ECW75	13080101	Federal Farm Credit Bank		08/01/2013	2,000,000.00	2,010,400.00	2,000,000.00	1.610	AA+	1.610	1,127	08/01/2018
3133ED3Z3	13100401	Federal Farm Credit Bank		10/04/2013	2,000,000.00	2,011,160.00	2,000,000.00	1.230	AA+	1.230	826	10/04/2017
3133EDEB4	14012801	Federal Farm Credit Bank		01/28/2014	2,000,000.00	2,011,600.00	2,000,000.00	1.100	AA+	1.100	728	06/28/2017
3133EDKP6	14050101	Federal Farm Credit Bank		05/01/2014	2,000,000.00	2,003,420.00	2,000,000.00	1.070	AA+	1.070	793	09/01/2017
3133EDNC2	14061301A	Federal Farm Credit Bank		06/13/2014	1,600,000.00	1,599,168.00	1,600,000.00	0.700	AA+	0.700	562	01/13/2017
3133EDNC2	14061301B	Federal Farm Credit Bank		06/13/2014	400,000.00	399,792.00	400,000.00	0.700	AA+	0.700	562	01/13/2017
3133EDPC0	14062701	Federal Farm Credit Bank		06/27/2014	2,000,000.00	2,009,440.00	2,000,000.00	1.000	AA+	1.000	727	06/27/2017
3133EDXH0	14101401	Federal Farm Credit Bank		10/14/2014	2,000,000.00	2,031,880.00	2,000,000.00	1.000	AA+	1.000	744	07/14/2017
3133EEQM5	15022001	Federal Farm Credit Bank		02/20/2015	2,000,000.00	1,999,640.00	2,000,000.00	1.110	AA	1.110	965	02/20/2018
313375RN9	12020901	Federal Home Loan Bank		02/09/2012	2,000,000.00	2,008,640.00	2,003,821.33	1.000	AA+	0.720	254	03/11/2016
313375RN9	12062903	Federal Home Loan Bank		06/29/2012	2,000,000.00	2,008,640.00	2,004,794.70	1.000	AA+	0.650	254	03/11/2016
313383FB2	13061901	Federal Home Loan Bank		06/19/2013	2,000,000.00	1,999,420.00	2,000,000.00	0.580	AA+	0.580	537	12/19/2016
3130A3Q00	14122901	Federal Home Loan Bank		12/29/2014	1,000,000.00	1,002,870.00	1,000,000.00	1.150	AA+	1.150	912	12/29/2017
3130A4DP4	15022701	Federal Home Loan Bank		02/27/2015	2,000,000.00	1,997,320.00	2,000,000.00	1.300	AA+	1.300	1,153	08/27/2018
3130A4Y71	15041501	Federal Home Loan Bank		04/15/2015	2,000,000.00	1,987,600.00	2,000,000.00	1.000	AA+	1.000	1,080	06/15/2018
3130A57J2	15050801	Federal Home Loan Bank		05/06/2015	2,000,000.00	1,988,060.00	2,000,000.00	1.000	AA+	1.000	1,101	07/06/2018
3130A5BK4	15052201	Federal Home Loan Bank		05/22/2015	2,000,000.00	1,985,920.00	1,997,818.91	1.000	AA+	1.037	1,094	06/29/2018
3130A5K73	15061201	Federal Home Loan Bank		06/12/2015	2,000,000.00	1,992,000.00	1,998,740.54	1.200	AA+	1.220	1,183	09/26/2018
3130A5NN5	15063001	Federal Home Loan Bank		06/30/2015	2,000,000.00	2,003,080.00	2,000,000.00	2.000	AA+	2.000	1,826	06/30/2020
3134G43S5	13051501	Fed Home Loan Mortgage Corp		05/15/2013	2,000,000.00	1,991,880.00	2,000,000.00	0.650	AA+	0.650	684	05/15/2017
3134G3J68	13053001	Fed Home Loan Mortgage Corp		05/30/2013	2,000,000.00	1,991,440.00	1,997,827.30	0.900	AA+	0.950	810	09/18/2017
3135G0LN1	12062801	Federal Nat'l. Mortgage Assoc		06/28/2012	2,000,000.00	2,000,020.00	2,000,000.00	0.500	AA+	0.500	1	07/02/2015
3136G0L58	12101801	Federal Nat'l. Mortgage Assoc		10/18/2012	1,000,000.00	999,910.00	1,000,000.00	1.000	AA+	1.000	840	10/18/2017
3135G0UE1	13021401	Federal Nat'l. Mortgage Assoc		02/14/2013	3,000,000.00	2,992,320.00	3,000,000.00	1.000	AA+	1.000	959	02/14/2018
3136G1DG1	13022701	Federal Nat'l. Mortgage Assoc		02/27/2013	2,000,000.00	1,996,680.00	2,000,000.00	1.050	AA+	1.050	972	02/27/2018
3136G1E88	13022702	Federal Nat'l. Mortgage Assoc		02/27/2013	1,000,000.00	1,000,470.00	1,000,000.00	0.750	AA+	0.750	607	02/27/2017
3136G23B1	14081501	Federal Nat'l. Mortgage Assoc		08/15/2014	2,000,000.00	1,996,100.00	2,000,000.00	1.300	AA+	1.300	960	02/15/2018
3136G24C8	14082901	Federal Nat'l. Mortgage Assoc		08/29/2014	3,000,000.00	3,036,180.00	3,000,000.00	2.000	AA+	2.000	1,517	08/26/2019
3136G25W3	14091201	Federal Nat'l. Mortgage Assoc		09/12/2014	2,000,000.00	2,000,320.00	2,000,000.00	1.000	AA+	2.174	1,534	09/12/2019
3136G2C96	15012301	Federal Nat'l. Mortgage Assoc		01/23/2015	2,000,000.00	1,996,940.00	2,000,000.00	2.000	AA+	2.000	1,667	01/23/2020
Subtotal and Average					75,000,000.00	75,077,960.00	75,003,243.01			1.044	799	

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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Federal Agency Discounts												
313384KJ7	15060401	Federal Home Loan Bank Discoun	13,165,889.45	06/04/2015	5,000,000.00	4,999,500.00	4,999,731.25	0.045	AA+	0.046	43	08/13/2015
313384KJ7	15060402	Federal Home Loan Bank Discoun		06/04/2015	5,000,000.00	4,999,500.00	4,999,731.25	0.045	AA+	0.046	43	08/13/2015
Subtotal and Average					10,000,000.00	9,999,000.00	9,999,462.50			0.046	43	
Treasury Coupon Securities												
912828RJ1	11101101	United States Treasury Note	29,408,807.73	10/11/2011	2,000,000.00	2,015,160.00	1,998,781.06	1.000	AA+	1.050	457	09/30/2016
912828UG3	13012801	United States Treasury Note		01/28/2013	3,000,000.00	3,004,230.00	2,999,595.93	0.375	AA+	0.400	198	01/15/2016
912828VC1	13053101	United States Treasury Note		05/31/2013	2,000,000.00	1,999,380.00	1,996,492.48	0.250	AA+	0.452	319	05/15/2016
912828VE7	13062101	United States Treasury Note		06/21/2013	2,000,000.00	2,000,620.00	1,983,958.62	1.000	AA+	1.285	1,065	05/31/2018
912828VG2	13062401	United States Treasury Note		06/24/2013	2,000,000.00	2,003,760.00	1,996,629.19	0.500	AA+	0.678	350	06/15/2016
912828VL1	13071501	United States Treasury Note		07/15/2013	2,000,000.00	2,005,460.00	1,998,051.46	0.625	AA+	0.720	380	07/15/2016
912828VR8	13082601	United States Treasury Note		08/26/2013	2,000,000.00	2,005,620.00	1,996,123.20	0.625	AA+	0.800	411	08/15/2016
912828C32	14032001	United States Treasury Note		03/20/2014	1,000,000.00	1,003,520.00	998,037.06	0.750	AA+	0.867	623	03/15/2017
912828WH9	14051501	United States Treasury Note		05/15/2014	2,000,000.00	2,009,380.00	1,998,714.38	0.875	AA+	0.910	684	05/15/2017
912828TB6	14061302	United States Treasury Note		06/13/2014	1,000,000.00	1,001,950.00	996,413.13	0.750	AA+	0.932	730	06/30/2017
912828WT3	14071501	United States Treasury Note		07/15/2014	2,000,000.00	2,008,280.00	1,994,477.08	0.875	AA+	1.013	745	07/15/2017
912828G20	14111701	United States Treasury Note		11/17/2014	2,000,000.00	2,003,760.00	1,994,160.44	0.875	AA+	1.000	868	11/15/2017
912828G79	14121501	United States Treasury Note		12/15/2014	2,000,000.00	2,008,600.00	1,995,647.24	1.000	AA+	1.090	898	12/15/2017
912828J68	15031601	United States Treasury Note		03/16/2015	2,000,000.00	1,998,174.35	1,996,336.94	1.000	AA+	1.070	988	03/15/2018
912828XF2	15061501	United States Treasury Note		06/15/2015	2,000,000.00	2,000,000.00	2,000,000.00	1.125	AA+	1.125	1,080	06/15/2018
Subtotal and Average				29,000,000.00	29,067,894.35	28,943,418.21			0.875	635		
GNMA												
36217FKE8	87042001A	GNMA	11,512.10	07/01/1997	7,899.63	8,013.23	7,899.63	8.000	AA+	8.076	654	04/15/2017
36217AT46	87042001C	GNMA		07/01/1997	2,520.39	2,554.74	2,520.39	8.000	AA+	8.075	623	03/15/2017
36216NNL3	88021601A	GNMA		07/01/1997	809.51	815.90	809.51	9.500	AA+	9.615	472	10/15/2016
Subtotal and Average				11,229.53	11,383.87	11,229.53			8.187	634		
Negotiable CDs -2												
02587DQD3	13071801	American Express Centurion Bnk	11,512.10	07/18/2013	250,000.00	250,072.13	250,000.00	0.700	A-	0.700	19	07/20/2015
05580AAY0	14111401	BMW Bank of North America		11/14/2014	250,000.00	251,438.15	250,000.00	1.400		1.401	867	11/14/2017
140420QD5	14101601	Capital One Bank USA		10/16/2014	250,000.00	251,859.98	250,000.00	1.450	BBB+	1.451	838	10/16/2017
254672BR8	14101602	Discover Bank		10/16/2014	250,000.00	250,984.85	250,000.00	1.050	BBB	0.844	474	10/17/2016
29266NF28	14120501	EnerBank USA		12/05/2014	250,000.00	250,422.03	250,000.00	1.200	NR	1.201	888	12/05/2017
36163CWS5	14101001	GE Capital Bank		10/10/2014	250,000.00	252,192.08	250,000.00	1.450	AA+	1.451	832	10/10/2017
38148JBF7	14102901	Goldman Sachs Bank USA		10/29/2014	250,000.00	251,890.30	250,000.00	1.450	A	1.249	852	10/30/2017

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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Negotiable CDs -2												
564759QQ4	15051301	Manufacturers & Traders Trust		05/13/2015	250,000.00	247,898.90	250,000.00	1.050	A	0.904	1,048	05/14/2018
94886TUG0	15063002	Wells Fargo Bank		06/30/2015	250,000.00	250,000.00	250,000.00	1.500	AA-	1.502	1,826	06/30/2020
		Subtotal and Average	2,008,333.33		2,250,000.00	2,256,758.42	2,250,000.00			1.189	849	
		Total and Average	184,251,325.15		182,321,871.01	182,525,009.66	182,337,137.46			0.751	507	

Portfolio MILP
AC
PM (PRF_PM2) 7.3.0

City of Milpitas
Portfolio Management
Portfolio Details - Cash
June 30, 2015

Page 5

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity
Money Market Funds											
SYS1000	1000	Cash in Bank			553,104.00	553,104.00	553,104.00	0.020		0.020	1
SYS1000	131127930	Cash in Bank			23,624.26	23,624.26	23,624.26	0.020		0.020	1
SYS1030	1030	Cash with Fiscal Agent			1,874,272.20	1,874,272.20	1,874,272.20	0.000		0.000	1
		Average Balance	0.00								1
		Total Cash and Investments	184,251,325.15		184,772,871.47	184,976,010.12	184,788,137.92			0.751	507

City of Milpitas

Portfolio Management

Activity By Type

June 1, 2015 through June 30, 2015

Page 1

CUSIP	Investment #	Issuer	Stated Rate	Transaction Date	Purchases or Deposits	Redemptions or Withdrawals	Balance
LAIF (Monthly Summary)							
SYS82000010	82000010	Local Agency Invest. Fd - City	0.300		7,300,000.00	5,900,000.00	
		Subtotal			7,300,000.00	5,900,000.00	45,000,000.00
Money Market Funds (Monthly Summary)							
SYS1000	1000	Cash in Bank	0.020		553,104.00	285,122.00	
SYS1000	131127930	Cash in Bank	0.020		24,918,132.64	25,117,339.85	
SYS	150601930	Dreyfus Treasury & Agency Fund	0.010		10,118,142.70	9,800,000.00	
SYS1030	1030	Cash with Fiscal Agent			1,874,272.20	1,874,262.70	
SYS	150317318	U S Bank	0.010		0.00	96,750.13	
SYS	150317319	U S Bank	0.010		0.13	0.00	
		Subtotal			37,463,651.67	37,173,474.68	4,060,641.48
Corporate Notes							
084664BW0	15060501	Berkshire Hathaway Financial	1.300	06/05/2015	1,002,593.00	0.00	
594918AS3	15060502	Microsoft Corp	1.000	06/05/2015	998,570.00	0.00	
		Subtotal			2,001,163.00	0.00	17,069,142.73
Federal Agency							
3130A5K73	15061201	Federal Home Loan Bank	1.200	06/12/2015	1,998,720.00	0.00	
3130A5NN5	15063001	Federal Home Loan Bank	2.000	06/30/2015	2,000,000.00	0.00	
		Subtotal			3,998,720.00	0.00	75,003,243.01
Federal Agency Discounts							
313384KJ7	15060401	Federal Home Loan Bank Discoun	0.045	06/04/2015	4,999,562.50	0.00	
313384KJ7	15060402	Federal Home Loan Bank Discoun	0.045	06/04/2015	4,999,562.50	0.00	
313588HJ7	15010701	Federal Nat'l Mort Assoc Disc		06/26/2015	0.00	3,000,000.00	
313588HJ7	15011201	Federal Nat'l Mort Assoc Disc	0.100	06/26/2015	0.00	2,000,000.00	
		Subtotal			9,999,125.00	5,000,000.00	9,999,462.50
Treasury Coupon Securities							
912828SZ4	12062201	United States Treasury Note	0.375	06/15/2015	0.00	3,000,000.00	
912828XF2	15061501	United States Treasury Note	1.125	06/15/2015	2,000,000.00	0.00	
		Subtotal			2,000,000.00	3,000,000.00	28,943,418.21
GNMA							

City of Milpitas
Portfolio Management
Activity By Type
June 1, 2015 through June 30, 2015

Page 2

CUSIP	Investment #	Issuer	Stated Rate	Transaction Date	Purchases or Deposits	Redemptions or Withdrawals	Balance
GNMA							
36217FKE8	87042001A	GNMA	8.000	06/15/2015	0.00	360.88	
362174T46	87042001C	GNMA	8.000	06/15/2015	0.00	177.91	
36216NNL3	88021601A	GNMA	9.500	06/15/2015	0.00	66.72	
		Subtotal			0.00	605.51	11,229.53
Negotiable CDs -2							
94986TUG0	15063002	Wells Fargo Bank	1.500	06/30/2015	250,000.00	0.00	
		Subtotal			250,000.00	0.00	2,250,000.00
		Total			63,012,659.67	51,074,080.19	182,337,137.46

City of Milpitas

Investment Broker Dealer List

Cantor Fitzgerald & Co.

Dreyfus Institutional Services

Mischler Financial Group, Inc.

Morgan Stanley Smith Barney

State of California Local Agency Investment Fund

US Bank, N.A.

Vining Sparks IBG, L.P.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS SUPPORTING A STREET CLOSURE ON TECHNOLOGY DRIVE, MCCARTHY BOULEVARD, AND TASMAN DRIVE FOR THE AMERICAN HEART AND STROKE EVENT ON OCTOBER 17, 2015 FROM 8:00 A.M. TO 2:00 P.M.

WHEREAS, the City Council of the City of Milpitas desires to support community events and promote cardiovascular disease awareness in the City of Milpitas (“City”); and

WHEREAS, the American Heart and Stroke Association and KLA Tencor located at 1 Technology Drive in Milpitas are requesting to hold a 5K Walk and Festival to raise funds in support of the research, education and advocacy efforts of the American Heart Association; and

WHEREAS, the 5K Walk and Festival are proposed on Saturday, October 17, 2015 between the hours of 8:30 a.m. to 12:30 p.m. The proposed route for the 5K walk will take place along Technology Drive, Tasman Drive, McCarthy Boulevard and both the east and west sides of the Coyote Creek Trail. A Miracle Mile walk is also proposed along the public sidewalks on Technology Drive, S. McCarthy Blvd., SanDisk Drive, and Murphy Ranch Road. The Festival, including activities, food tents, vendors and sponsor booths, will be held in the KLA Tencor parking lot located at 1 Technology Drive ; and

WHEREAS, the proposed walks and festival will require a temporary road closure on Tasman Drive along the Coyote Creek frontage, S. McCarthy Blvd between SR-237 Off-ramp and Technology Drive, and Technology Drive between McCarthy Blvd. and Murphy Ranch Road between the hours of 8:00 a.m. to 2:00 p.m., which include the set up and tear down time for traffic control devices. The City has reviewed the Traffic Control Plan for the proposed street closures and the detouring plan associated with the street closures with certain conditions placed on the street closure permit(s); and

WHEREAS, the temporary closure will cause the re-routing of traffic onto and over the following City streets: Murphy Ranch Road, SanDisk Drive, and S. McCarthy Boulevard on Saturday, October 17, 2015, between the hours of 8:00 a. m. to 2:00 p. m.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Subject to all required approvals and conditions by the City of Milpitas, the 5K walk route designated below may be closed to all vehicle traffic, including bicycles on Saturday, October 17, 2015 from 8:00 a. m. to 2:00 p. m.:

5K Route

- Technology Drive between Murphy Ranch Road and S. McCarthy Boulevard
- S. McCarthy Boulevard between Technology Drive and State Route 237 Off-ramp
- Tasman Drive between the east and west side of the Coyote Creek Trail.

3. The City of Milpitas approves and consents to the proposed American Heart and Stroke 5K Walk and Festival and recommends approval of and consents to the proposed re-routing of traffic onto and over the City streets described above upon terms and condition deemed appropriate and necessary by the State of California, Department of Transportation.
4. The American Heart and Stroke Association shall implement, at its sole cost and expense, all traffic control devices and provide traffic control staffing as deemed necessary by City for temporary street closure and temporary re-routing of vehicular and bicycle traffic in conformance to the 2012 California Manual on Uniform Traffic Control Devices.

PASSED AND ADOPTED this _____ day of _____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Gary M. Baum, Interim City Attorney

Project Number:

MS15 - 0038



SPECIAL EVENT / ACTIVITY INFORMATION PACKET

“Special events and activities” means any temporary event or activity sponsored by a business, shopping center or organization which is held outside the confines of a permanent building.

To apply for a Special Event and Activity, please read the enclosed instructions and then complete this Activity Information Packet. Submit a Planning and Zoning Application form, this Special Event/Activity Information Packet, including the required attachments, **no later than 45 days for a major event or 30 days for a minor event.**

For specific references to the Milpitas Municipal Code regarding Special Events and Activities see Section XI-10-13.11

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**CITY OF MILPITAS
PLANNING DIVISION**

Approvals:

Planning: _____ Date: _____

Fire: _____ Date: _____

Police: _____ Date: _____

Engineering: _____ Date: _____

Building: _____ Date: _____

INSTRUCTIONS

Introduction

A completed application may be filed as early as one year before an event, but must be received no later than 45 days (for a major event) or 30 days (for a minor event) before the actual event.

“Special events and activities” means any temporary event or activity sponsored by a business, shopping center or organization which is held outside the confines of a permanent building.

- A minor event is one that all of the activities, including parking associated with the event are confined to private property.
- A major event is one that in addition to the activities on a private property, has off-site parking, and/or partially or wholly takes place on the public right-of-way, except for activities customarily confined to sidewalks, such as walking or jogging/running.

It is our goal to help the event organizers in planning a safe and successful event that would create minimal impacts on the surrounding neighborhoods.

Procedure: *For first-time events please contact the Planning Division (408) 586-3279 to set up an appointment to review the application process for your event.*

The application process begins when you submit a completed application. The acceptance of this application should in no way be construed as approval of your request. Copies of the application will be sent to affected departments for their review. During the review, you will be notified if any additional information is required to process the application. You will be invited to meet with city staff at a pre-determined meeting called the Development Review Committee (DRC) to discuss the event prior to any approvals. Delays in providing information to city staff often delay the ability of the DRC to finish review and approve the application in a timely manner.

- Events that occur between one and three days can be reviewed by staff.
- Events that occur more than three days require review by the Planning Commission Subcommittee.
- Any event that has amplified music or live entertainment regardless of duration requires review by the Planning Commission Subcommittee.

QUESTION TO GET STARTED

- **Will the event be held exclusively on private property? If so, you will need to have the property owner sign the application for use of the site.**

This event will not require off site parking, or the use of public right-of-way (except running/jogging events).

☐ Yes ☒ No

If you answered yes to the question above, your event is considered a “Minor” event. All other events are considered “Major”.

SECTION 1: CONTACT INFORMATION AND AUTHORIZATION

Please complete all of the following:

Event Title: 2015 Heart & Stroke WalkEvent Location (address): 1 Technology Dr., Milpitas, CAApplicant name: Kerri KummerOrganization: American Heart AssociationE-mail: Kerri.Kummer@heart.org Phone: (408) 600-5947Mailing Address: 1 Almaden Blvd., Suite 500San Jose 95113

City ZIP

Day of event contact (if different from applicant completing and submitting the form): _____ Phone: (925) 989-9790

Except as to the sole negligence or willful misconduct of the city, the applicant/permittee shall defend indemnify and hold the city, and its officers, employees and agents harmless from any loss, damage, claim for damage, liability, expense, or cost, including attorneys' fees, which arise out of or is in any way connected with the special event or activity authorized herein. By signing this application, the applicant acknowledges that they may be billed for any unanticipated costs for city services arising from the event as a result of changes to the event or inaccurate application information.

Kerri Kummer Kerri Kummer 2/3/15

Printed Name & Signature Date

Vince Staub [Signature] 2/10/15

Printed Name of Property owner or authorized agent for owner & signature Date

SECTION 2: EVENT INFORMATION

Please complete all of the following:

Setup/Preparation	Date: <u>10/16/15</u>	
Event starts	Date: <u>10/17/15</u>	Time: <u>8:30 AM</u>
Event ends	Date: <u>10/17/15</u>	Time: <u>12:30 PM</u>
Dismantle/Tear down	Date: <u>10/17/15</u>	

Anticipated attendance: Total: 4000 Per day: _____**Street closures**Will this event require any city streets to be closed? ☒ Yes ☐ No*If yes, specify which streets or cross streets and include a route site map.*

See attached route maps and traffic control plan.

Food

If your event will have food preparations please specify cooking method:

Gas ☐Electric ☐

Food will already be prepared and served in Chafing Dishes, or will be

Charcoal ☐Other (specify): housed in a food truck that will be hired and will handle the food prep themselves*A permit may be required from the Santa Clara County Department of Public Health at (408) 918-3400.***Portable restrooms***A minimum of one (1) accessible toilet for persons with disabilities is required when multiple toilets are set side by side. If each toilet is scattered throughout the site, then each toilet must be accessible. Exceptions may be considered by the Building Department.***Lighting and sound**Will you be using any amplified sound (i.e. public address system)? ☒ Yes ☐ NoWill this event use any temporary lighting? ☒ Yes ☐ No*If yes, please describe:*

KLA-Tencor rents temporary lighting for extra security purposes for the night of 10/16/15.

EVENT NARRATIVE

Project Description

Briefly provide a description of your event, including activities, timeline and sequence of events:

See attached narrative

Parking

Describe where event participants are expected to park their vehicles:

See attached narrative

Security Plan

Describe your security plan, including crowd control:

Include the security company name, contact information and the amount of security personnel.

See attached narrative

Americans with Disabilities (ADA) compliance

Describe how your event will be accessible to people with disabilities (*such as parking, restrooms and accessible path of travel to all event functions*):

See attached narrative

Recyclables and garbage handling

Describe your plan for cleanup and removal of recyclable goods and garbage during and after your event:

See attached narrative

SECTION 3: SITE MAP CHECKLIST: City staff is available to help you through this process.

Provide a site plan/route map for your event on a separate sheet. **Provide six copies of this site plan/map (11" x 17" min size).** The map should include the following information:

- ☒ An outline of the event site, including the names of the streets or areas that are a part of the venue and surrounding area. If the event includes a moving route of any kind (such as a parade), indicate the direction of travel, including the starting location and ending destination. Include north arrow. See attachments D, E, & F
- ☒ Any street or lane closures. See attachment C
- ☒ The locations of fencing, barriers or barricades. Include any removable fencing for emergency access. (include height of barriers) See Attachments A & C
- ☒ The location of first-aid facilities See attachments D & E
- ☒ The location of all stages, platforms, booths, cooking areas, trash containers, tents/canopies, etc. (Include dimensions, such as height and length) See attachments A & D
- ☒ The location of any food booths and cooking area configuration including all vendors cooking with flammable gases or barbeque grills. (Include dimensions, such as height and length) See attachment D
- ☒ Generator locations and/or source of electricity See attachment D
- ☒ Placement of vehicles or trailers used for the event (include dimensions) 2000 Jeep Wrangler, See attachment E
- ☒ Anticipated parking locations and number of parking. Show that parking is available for persons with disabilities. These parking spaces shall be dispersed and located closest to the accessible entrances *to the event*. One in every eight accessible parking spaces, but not less than one accessible parking space shall be Van accessible. See attachment A & Event Description
- ☐ Placement of promotional signs or banners N/A
- ☒ Placement of portable toilets/rest room facilities (label accessible or non-accessible for people with disabilities) See attachment D
- ☐ Exit locations for outdoor events that have fences N/A
- ☒ Location of all other event activities
- ☐ Location of temporary lighting See attachment D
- ☐ Location of temporary speakers Provided by KLA-Tencor
- ☒ Location of temporary speakers See attachment D

- ☒ Fire truck access to existing building/structures shall remain clear and unobstructed (20 feet min).
See attachment D
- ☒ Fire truck access shall be maintained to the proposed event.
See attachment A
- ☒ Show that Fire equipment and appliances (hydrants, fire department connection valve, etc) shall remain clear and unobstructed (25 feet min.).
See event narrative
- ☒ Show and identify the proposed method of separation between event area and vehicle traffic (20 feet min.).
See attachment A
- ☒ Show that the location of tables, booths and other equipment are not obstructing parking for persons with disabilities and indicate an accessible path of travel from these parking stalls to main entrance to the building and facilities.
See attachment A
- ☐ If any amusement structures are proposed, show how the structure can accommodate those with disabilities.
N/A
- ☒ For major events, provide a traffic handling plan (see sample).
See attachment C
- ☒ Show solid waste collection area.
See attachment A

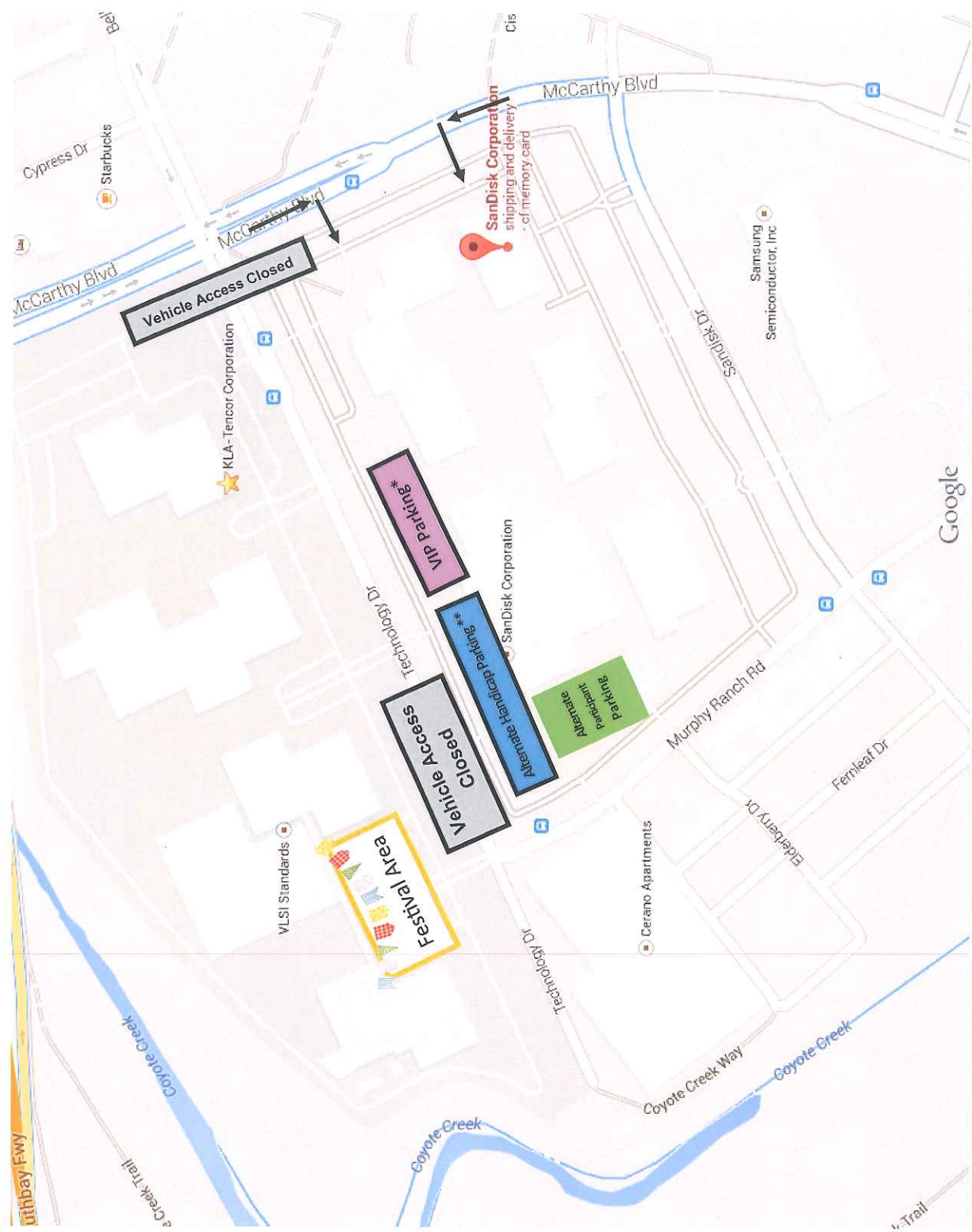
SECTION 4: INSURANCE INFORMATION

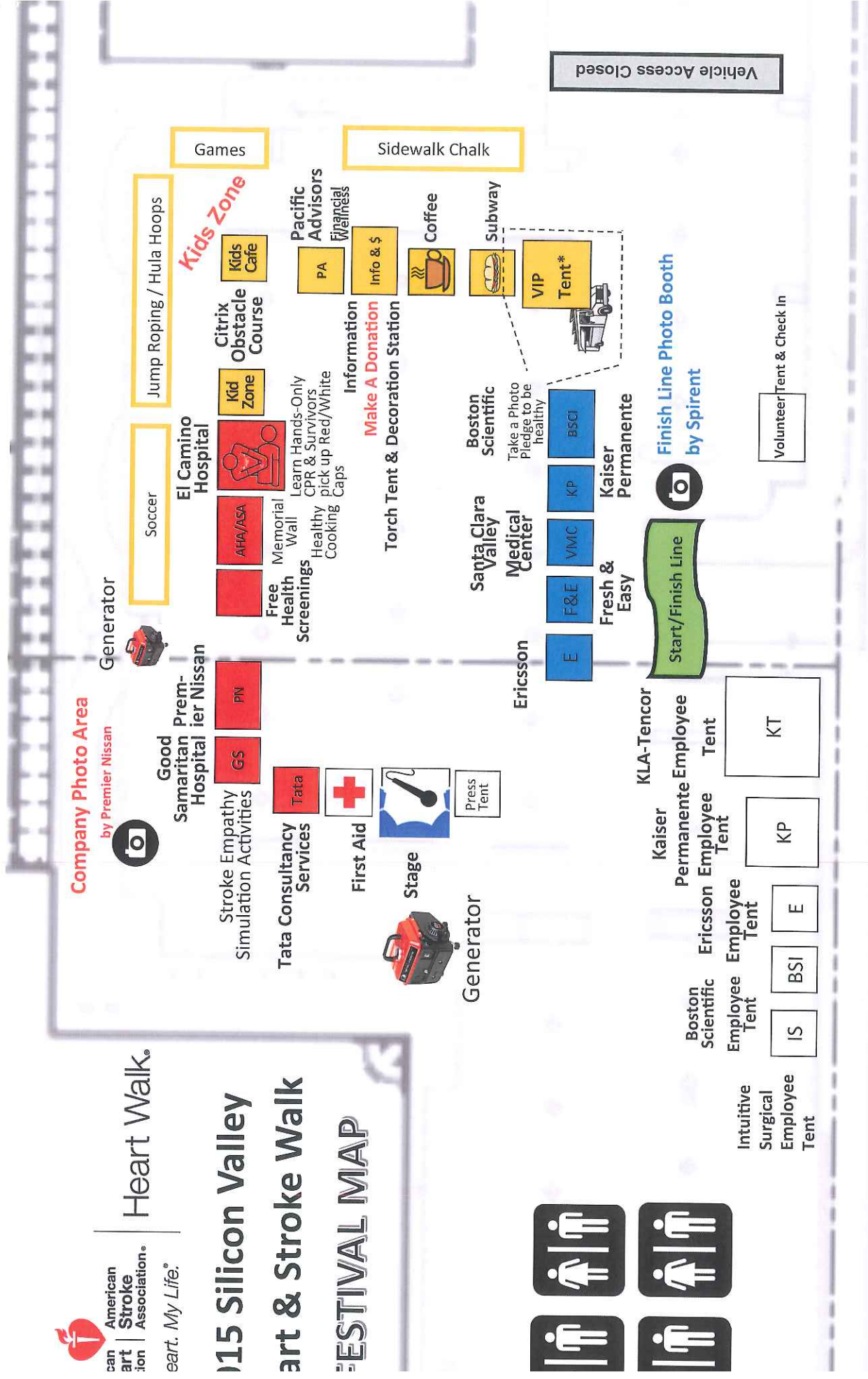
A public liability and property damage insurance policy issued by an insurance company authorized to do business in California, naming the City of Milpitas, its officers, agents and employees as co-insured may be required. Depending on the scope of the event, a minimum of \$1 million or more may be required.

**2015 Silicon Valley
 Heart & Stroke Walk**
**ALTERNATE PARKING
 MAP**

Alternate parking will be provided
 at Sandisk Corporation which is
 located across Technology Drive
 from KLA-Tencor.
 Alternate parking can be
 accessed from McCarthy Blvd.

* VIP Parking Pass required
 Indicating Parking Decal required





Attachment A

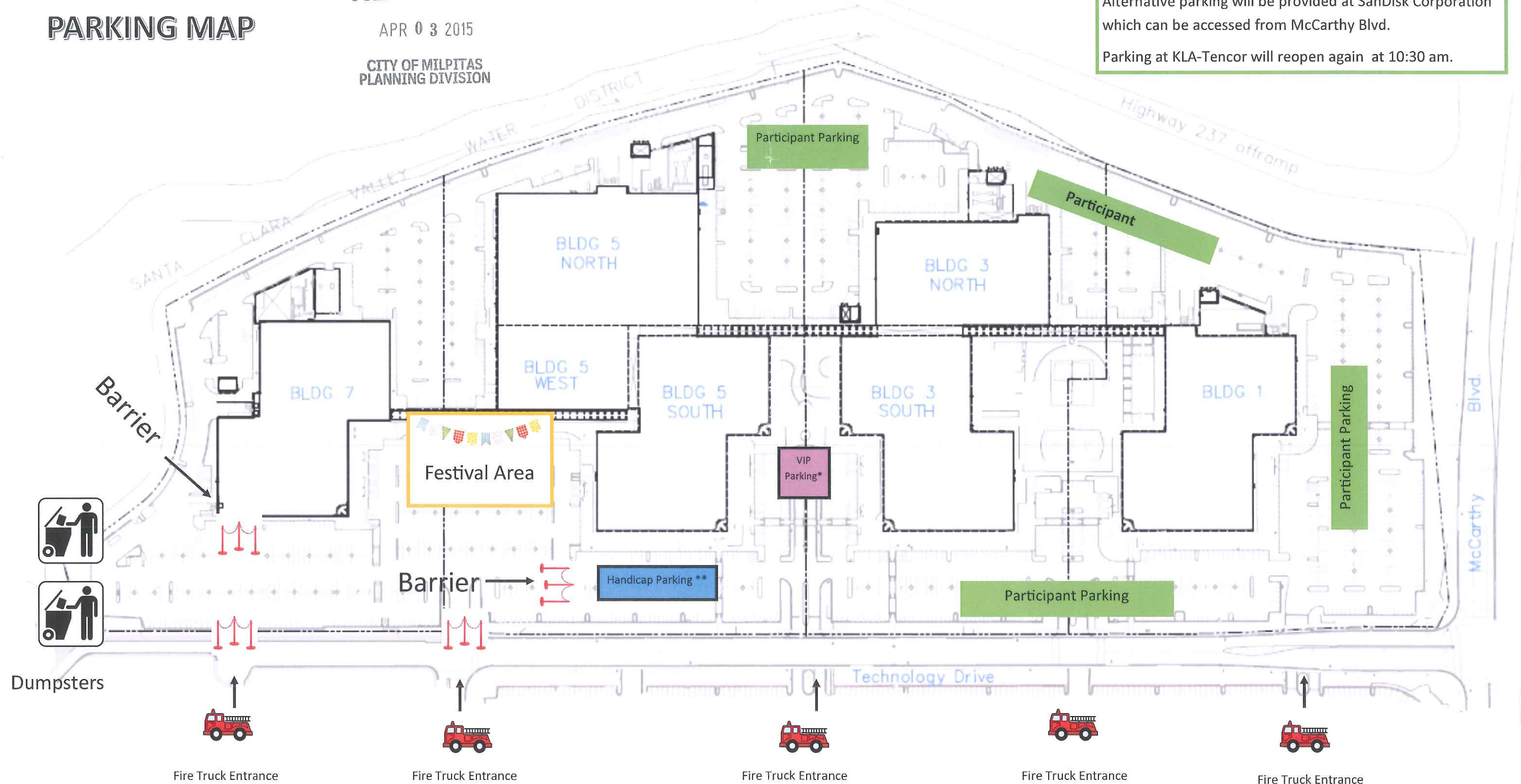
2015 Silicon Valley
Heart & Stroke Walk
PARKING MAP

* VIP Parking Pass required** Handicap
Parking Decal required

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CITY OF MILPITAS
PLANNING DIVISION



Parking at KLA-Tencor will be open from 8:00 am to 9:30 am. Access to KLA-Tencor parking will close from 9:30 am to 10:30 am while Technology Drive is closed for the walk. **No cars will be allowed in or out during this time so please plan accordingly.**

Alternative parking will be provided at SanDisk Corporation which can be accessed from McCarthy Blvd.

Parking at KLA-Tencor will reopen again at 10:30 am.

Attachment B

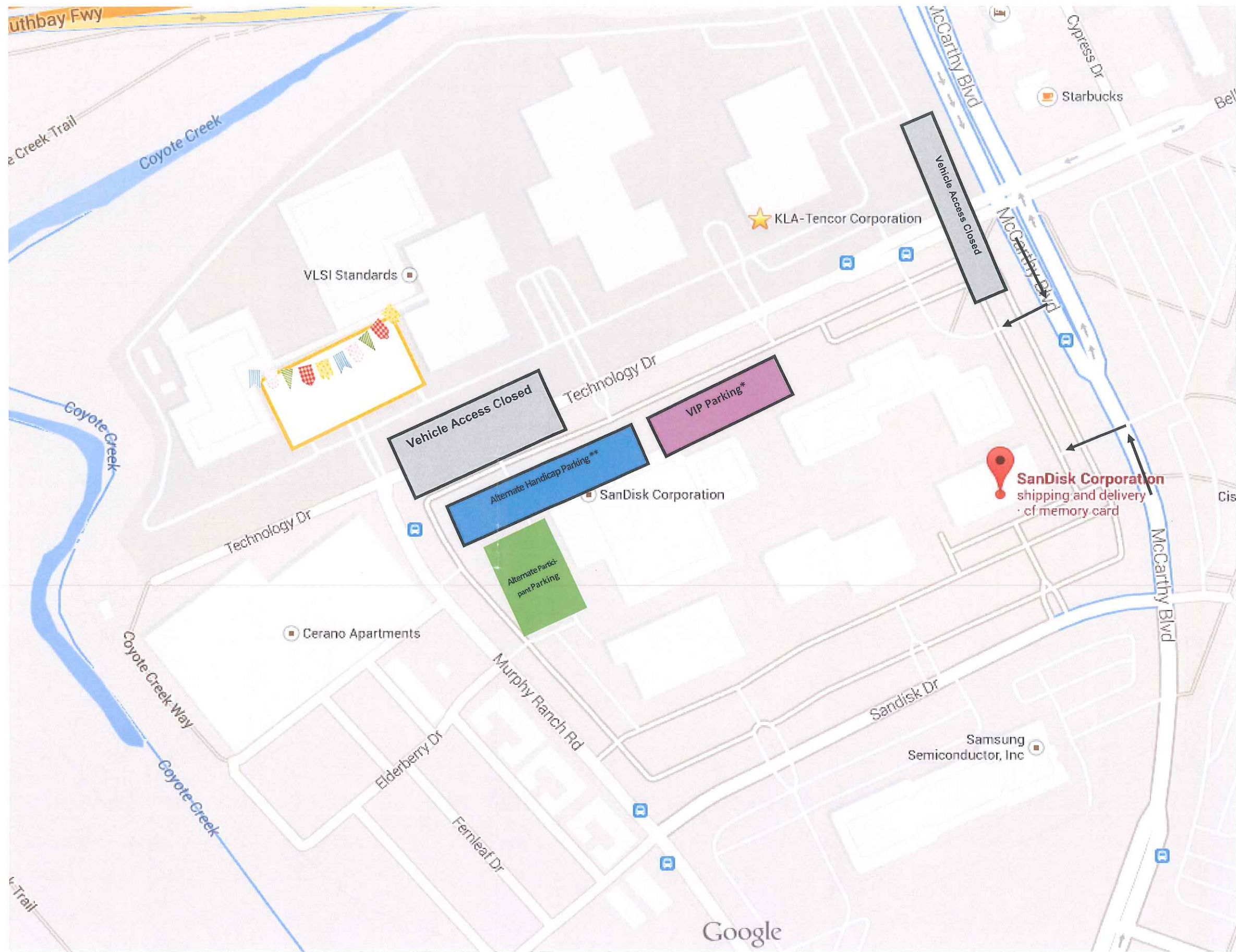


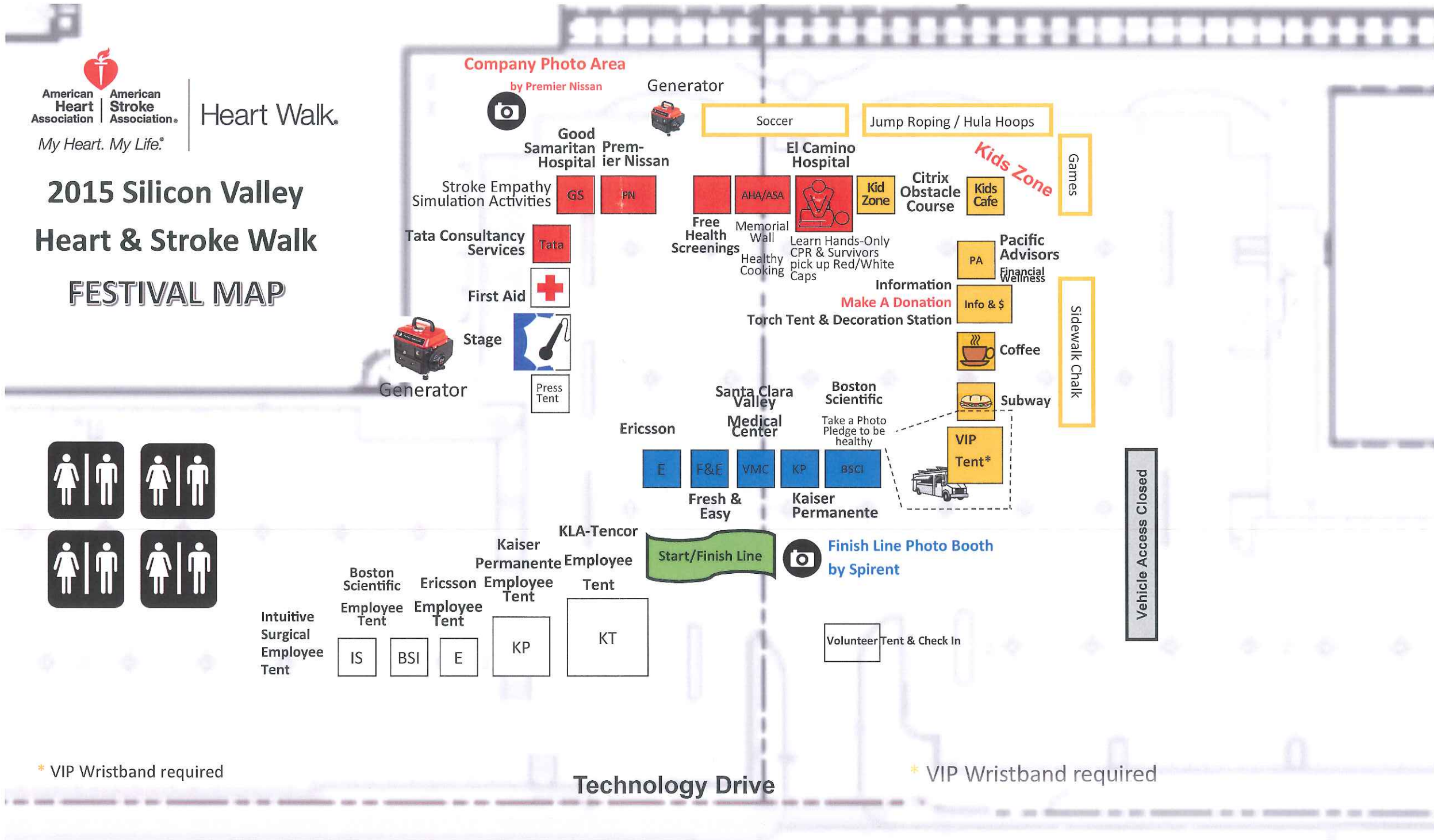
2015 Silicon Valley
Heart & Stroke Walk
ALTERNATE PARKING
MAP

Alternate parking will be provided at SanDisk Corporation which is located across Technology Drive from KLA-Tencor.

This alternate parking can be accessed from McCarthy Blvd.

- * VIP Parking Pass required
- ** Handicap Parking Decal required



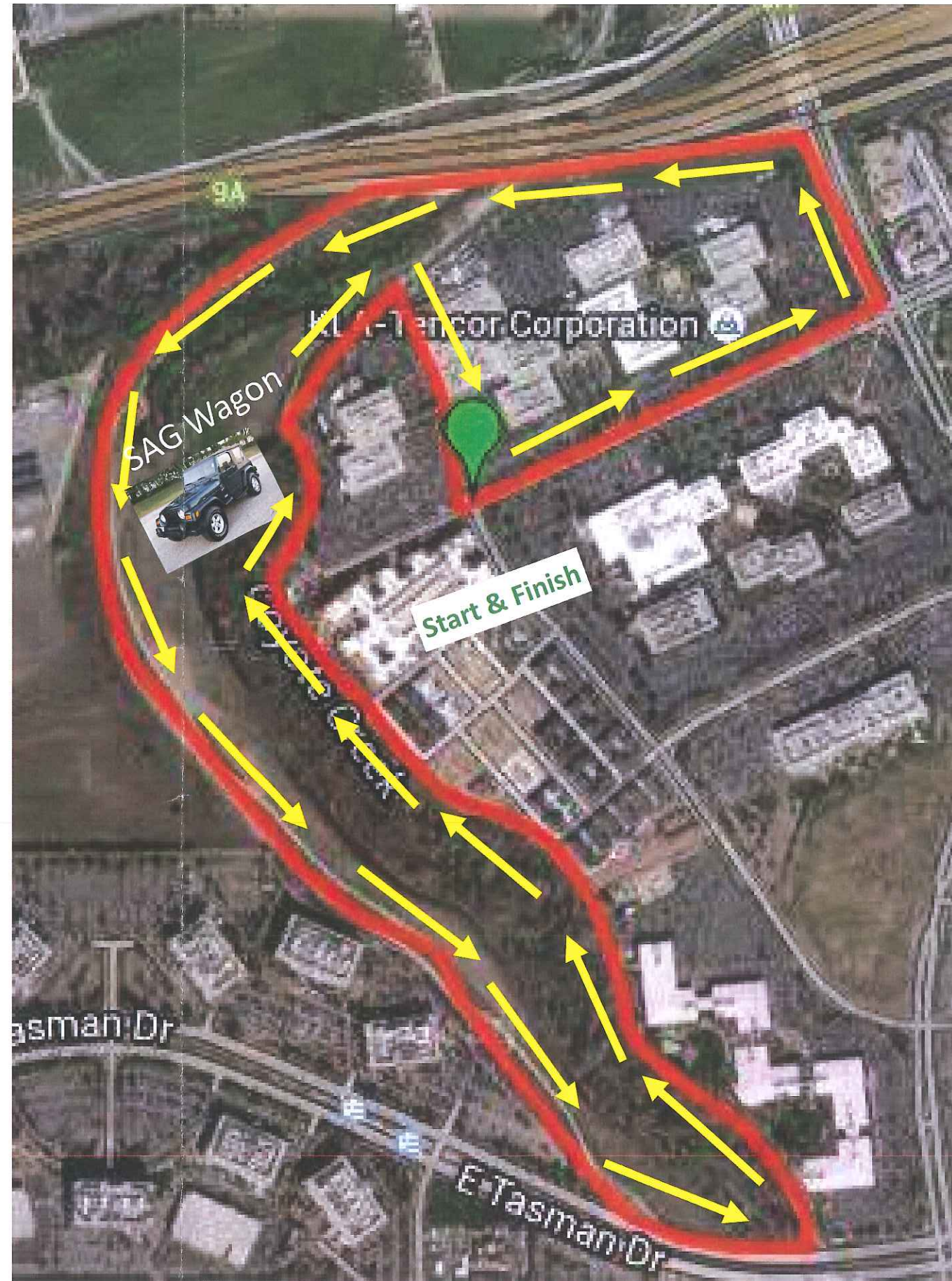




Heart Walk.

2015 Silicon Valley Heart & Stroke Walk 5k ROUTE MAP

The 2015 Silicon Valley Heart & Stroke Walk will begin at KLA-Tencor in the festivities area. An estimated 4,500 walkers will turn left onto Technology Drive to begin the route. Walkers will take another left at McCarthy Boulevard and walk along the sidewalk, and turn left again on Tasman until meeting up with the Coyote Creek Trail. Walkers will be able to enjoy the Coyote Creek which will take them back into the festival. The walk is 2.94 miles.



Attachment F



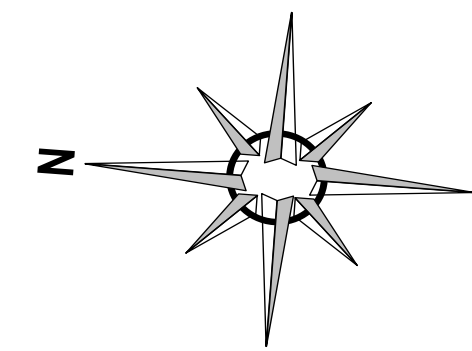
2015 Silicon Valley
Heart & Stroke Walk
Survivor Route

SURVIVOR ROUTE MAP

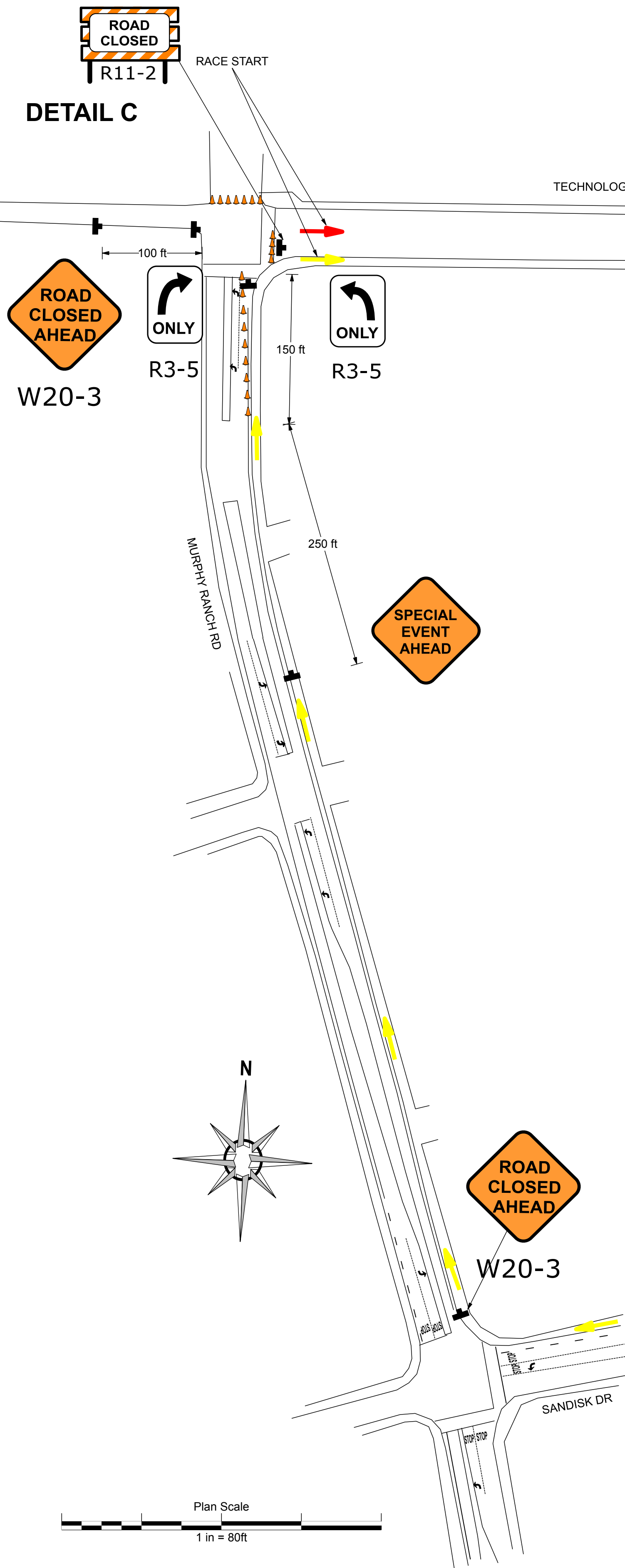
The survivor route will have the same Start and Finish as the 5k route beginning in the festival area. An estimated 100 walkers will take part in the Survivor Route. Walkers will stay on the sidewalk for the duration of the walk. Participants will turn left onto Technology Drive and continue until they reach McCarthy Boulevard. The route continues on McCarthy Boulevard until SanDisk Drive, where walkers will turn right. They will continue to Murphy Ranch Road, which they will take until returning to Technology Drive, which will lead them to the finish line.



TRAFFIC CONTROL PLAN
SILICON VALLEY HEART AND STROKE WALK - MILPITAS, CA
SHEET 1 OF 2



RACE OVERVIEW MAP



LEGEND

- | | | | |
|--|----------------------------------|--|-----------------------|
| | Flashing Arrow Board | | Water Filled Barrier |
| | Flashing Arrow Board (Plan View) | | Not To Scale |
| | 28" Traffic Cone | | Tow-Away/No Stopping |
| | 36" Fixed-Mounted Channelizer | | Police Officer |
| | Work Area | | Flagger |
| | Sign and Stand | | 5K WALK |
| | | | 1 MILE SURVIVOR ROUTE |

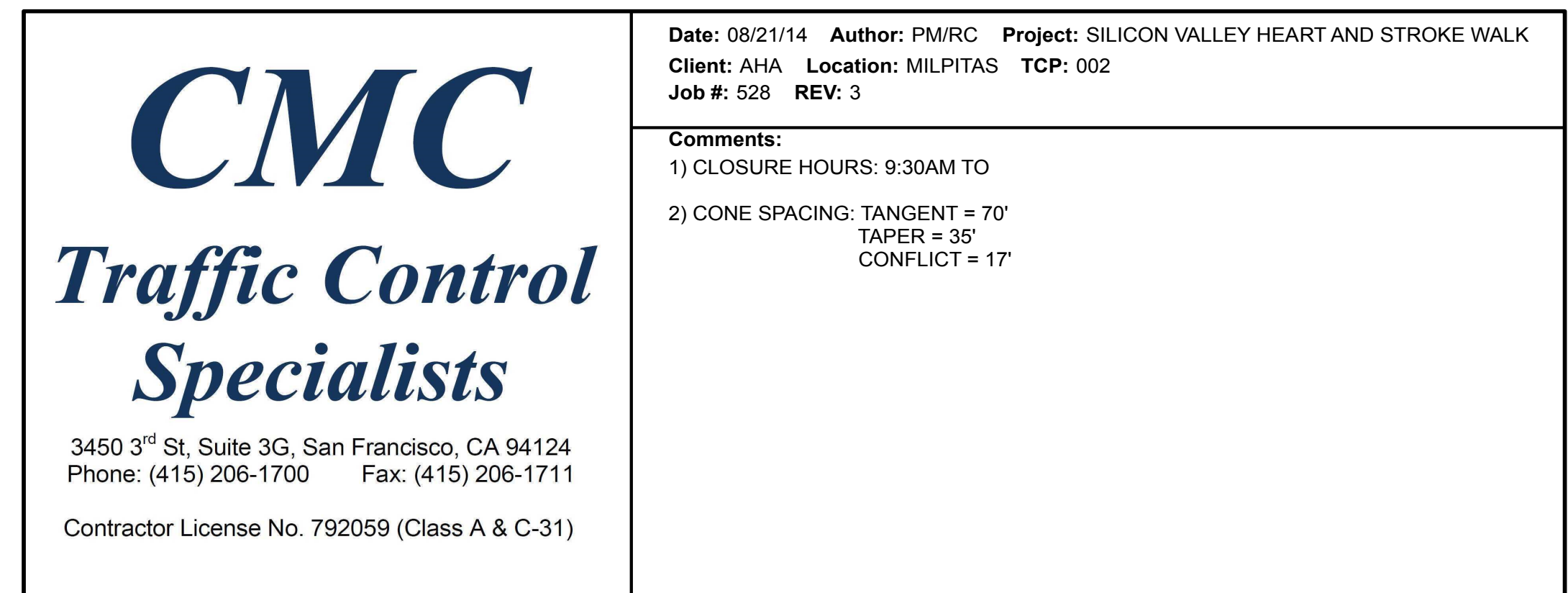
CMC
Traffic Control
Specialists

3450 3rd St, Suite 3G, San Francisco, CA 94124
Phone: (415) 206-1700 Fax: (415) 206-1711

Contractor License No. 792059 (Class A & C-31)

Date: 08/21/14 Author: PM/RC Project: SILICON VALLEY HEART AND STROKE WALK
Client: AHA Location: MILPITAS TCP: 001
Job #: 528 REV: 2

Comments:
1) CLOSURE HOURS: 9:30AM TO



TRAFFIC CONTROL PLAN
SILICON VALLEY HEART AND STROKE WALK - MILPITAS, CA
EGRESS PLAN
SHEET 3 OF 3

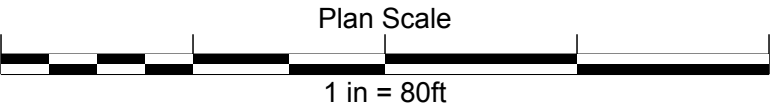
CMC

Traffic Control Specialists

3450 3rd St, Suite 3G, San Francisco, CA 94124
Phone: (415) 206-1700 Fax: (415) 206-1711
Contractor License No. 792059 (Class A & C-31)

Date: 05/01/15 Author: PM/RC Project: SILICON VALLEY HEART AND STROKE WALK
Client: AHA Location: MILPITAS TCP: 003
Job #: 528 REV: 1

Comments:
1) CONE SPACING: TANGENT = 70'
TAPER = 35'
CONFLICT = 17'



LEGEND			
	Flashing Arrow Board		Water Filled Barrier
	Flashing Arrow Board (Plan View)		Not To Scale



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
02/17/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh USA, Inc. 4400 Comerica Bank Tower 1717 Main Street Dallas, TX 75201-7357 010207-All-GAWXP-14-15	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: <table border="1"> <thead> <tr> <th data-bbox="812 420 1412 451">INSURER(S) AFFORDING COVERAGE</th> <th data-bbox="1412 420 1537 451">NAIC #</th> </tr> </thead> <tbody> <tr> <td data-bbox="812 451 1412 472">INSURER A: Zurich American Insurance Company</td> <td data-bbox="1412 451 1537 472">16535</td> </tr> <tr> <td data-bbox="812 472 1412 493">INSURER B: American Guarantee & Liability Ins Co</td> <td data-bbox="1412 472 1537 493">26247</td> </tr> <tr> <td data-bbox="812 493 1412 514">INSURER C: Liberty Mutual Insurance Company</td> <td data-bbox="1412 493 1537 514">23043</td> </tr> <tr> <td data-bbox="812 514 1412 535">INSURER D:</td> <td data-bbox="1412 514 1537 535"></td> </tr> <tr> <td data-bbox="812 535 1412 556">INSURER E:</td> <td data-bbox="1412 535 1537 556"></td> </tr> <tr> <td data-bbox="812 556 1412 577">INSURER F:</td> <td data-bbox="1412 556 1537 577"></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Zurich American Insurance Company	16535	INSURER B: American Guarantee & Liability Ins Co	26247	INSURER C: Liberty Mutual Insurance Company	23043	INSURER D:		INSURER E:		INSURER F:	
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INSURER D:															
INSURER E:															
INSURER F:															
INSURED American Heart Association One Almaden Blvd., Suite 500 San Jose, CA 95113															

COVERAGES
CERTIFICATE NUMBER:

HOU-002365157-01

REVISION NUMBER: 6

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC			GLO 8376157-19	07/01/2014	07/01/2015	EACH OCCURRENCE	\$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 2,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS			BAP-8376159-19	07/01/2014	07/01/2015	COMBINED SINGLE LIMIT (Ea accident)	\$ 2,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
								\$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			AUC 9300308-13	07/01/2014	07/01/2015	EACH OCCURRENCE	\$ 10,000,000
							AGGREGATE	\$ 10,000,000
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ N ☐ A		WC 8376109-19	07/01/2014	07/01/2015	☒ WC STATUTORY LIMITS ☐ OTHER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
C	Property			YU2-L9L-531940-014	07/01/2014	07/01/2015	Per schedule on file with the company	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Type: Heart Walk Date: 10/17/2015 Location: Milpitas, CA Name of Event: 2015 Silicon Valley Heart & Stroke Walk

CERTIFICATE HOLDER
CANCELLATION

City of Milpitas 455 E. Calaveras Blvd. Milpitas, CA 95035	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>
--	--

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ADDITIONAL REMARKS SCHEDULE

AGENCY Marsh USA, Inc.		NAMED INSURED American Heart Association One Almaden Blvd., Suite 500 San Jose, CA 95113	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Other property deductibles may apply as per policy terms and conditions.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING SOLE SOURCE FINDINGS AND AUTHORIZING THE NEGOTIATION OF TWO FIXED PRICE, MULTI-YEAR HOT MIX ASPHALT MATERIAL PURCHASE AGREEMENTS NOT-TO-EXCEED A COMBINED ANNUAL TOTAL OF \$80,000

WHEREAS, the Street Maintenance Section of the Milpitas Public Works Department must perform patch and repair work on City roads and related work sites on a regular basis through the application of hot mix asphalt; and

WHEREAS, such work must be done in a timely manner in order to protect the safety and well-being of the travelling public; and

WHEREAS, asphalt must be procured and applied while still in a hot, malleable state, thereby necessitating close proximity between supplier and application point, the absence of asphalt hot boxes and other specialized equipment; and

WHEREAS, only two suppliers of asphaltic materials, Granite Construction Company and Reed & Graham, Inc., exist within a feasible delivery distance of the City's Public Works yard to serve as suppliers of City asphalt needs, with the second supplier, Reed and Graham, Inc., located at such a distance as to qualify only as an emergency or secondary supplier; and

WHEREAS, no other suppliers of asphaltic materials currently exist within sufficient proximity to City facilities and street sites as to even raise the possibility of addressing City needs; and

WHEREAS, Granite Construction Company and Reed & Graham, Inc., cannot singly meet City needs for asphalt materials, therefore requiring the engagement of both entities as suppliers at any given time; and

WHEREAS, Public Contract Code Section 3400(c)(3) specifically authorizes cities to designate particular materials if they are available from only a single or limited number of sources; and

WHEREAS, California law further excuses cities from the conduct of formal competitive bidding and advertising of public works, such as street repair and patch work, where the nature of a contract or project is such that competitive proposals would be unavailing or would not produce an advantage, thereby rendering any formal advertisement for competitive bidding under the Public Contract Code undesirable, impractical or impossible (Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal. App. 3d 631, 164 Cal. Rptr. 56); and

WHEREAS, the City Purchasing Agent conducted a comprehensive review of available asphalt suppliers in the area and solicited supply feasibility and pricing information; and

WHEREAS, the Director of Public Works has also reviewed the available supplier lists and reviewed the technical requirements of the asphalt application equipment and tools available to City public works staff and concluded that competitive bidding of the asphalt supply contracts would be pointless and would still leave the City with the sole options of Granite Construction Company and Reed & Graham, Inc., as the sole suppliers.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The sole source designation of Granite Construction Company and Reed & Graham, Inc., as the sole asphalt suppliers for the City is necessary due to the unavailability of hot asphalt from any other supplier or source in sufficient proximity to City facilities.
3. Putting the asphalt supply contracts out to formal bid would create an incongruity and would not produce any advantage to the public, since the winning bids would be limited to the same two suppliers already identified through informal solicitations and the immutable limitations and characteristics of hot asphaltic materials.
4. City staff sought informal quotes from multiple suppliers, thereby securing market pricing information and sparking market competition to the extent possible. Thus, the authorization to execute contracts with the only available suppliers would not constitute any sign of favoritism, improvidence, extravagance, fraud or corruption.
5. City staff is therefore authorized to negotiate and execute separate supply agreements with Granite Construction Company and Reed & Graham, Inc., each for an up to three-year fixed price format, with two one-year options to extend with a not-to-exceed amount of \$80,000 per year. Unit price amounts in such contracts may be allowed to be subject to a quarterly price adjustment based on the Liquid Asphaltic Rack Price.
6. In the final year of such contracts, the Director of Public Works is directed to review and assess available asphaltic material suppliers and to report to the City Council whether market conditions have changed such that competitive bid of these contracts is warranted at that point time in the future.

PASSED AND ADOPTED this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: (0)

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Gary M. Baum, Interim City Attorney

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING AN AGREEMENT BETWEEN THE CITY OF MILPITAS AND THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR THE FUNDING OF A SOLE SOURCE PURCHASE OF A SPECIALIZED URBAN SEARCH AND RESCUE TRAILER FROM L.N. CURTIS & SONS

WHEREAS, the Milpitas BART station is currently under construction and is projected to be completed in late 2016 and operational in late 2017, and as such the Milpitas Fire Department is currently preparing for enhanced emergency response operations within the area of the Milpitas BART station and tracks; and

WHEREAS, the need for an increased technical rescue capacity has been identified as an area that will require additional resources from the Milpitas Fire Department due to the unique challenges within the BART guideway and station; and

WHEREAS, the Santa Clara Valley Transportation Authority has agreed to fund the purchase of a specialized urban search and rescue trailer for utilization by the City of Milpitas; and

WHEREAS, the Milpitas Fire Department has identified the Paratech Urban Search & Rescue Trailer as the appropriate comprehensive rescue trailer equipped to perform lifting and stabilization in significant technical incidents; and

WHEREAS, the sole vendor for Paratech Incorporated's products and support, including the Paratech Urban Search & Rescue Trailer, is L.N. Curtis & Sons, fire equipment supplier. L.N. Curtis & Sons is also the only authorized trade-in and warranty repair work center in the Bay Area region for Paratech Incorporated's products, as confirmed in their sole distributor letter attached hereto as Exhibit A; and

WHEREAS, the Paratech Urban Search & Rescue Trailer and equipment is compatible with existing Milpitas Fire Department rescue equipment, as well as rescue equipment that is currently part of the fire agency mutual aid system in Santa Clara County including Paratech shores and struts which are part of the Santa Clara County Fire Department technical rescue cache; and

WHEREAS, it is essential for interoperability that all mutual aid equipment match Santa Clara County Fire Department standards; and

WHEREAS, funding for the purchase of the Paratech Urban Search & Rescue Trailer will be wholly reimbursed by the Santa Clara Valley Transportation Authority as set out in the proposed Cooperative Agreement attached hereto as Exhibit B; and

WHEREAS, Section I-2-3.09 of the Milpitas Municipal Code authorizes the City Council to award contracts without competition when the Purchasing Agent determines that there is only one source for the required supply or service; and

WHEREAS, after conducting a good faith review of the available sources and pursuant to Milpitas Municipal Code Section I-2-3.09, the Purchasing Agent has determined that L.N. Curtis & Sons is the sole source distributor in California of Paratech Incorporated products, including the Paratech Urban Search & Rescue Trailer and that there is no comparable product currently available.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence

submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Council hereby approves the Cooperative Agreement with Santa Clara Valley Transportation Authority attached hereto as Exhibit B, and the Purchasing Agent is authorized to purchase from L.N. Curtis & Sons, a California corporation, as a sole source procurement, a Paratech Urban Search & Rescue Trailer for an amount not to exceed \$165,359.81 pursuant to said Cooperative Agreement.

PASSED AND ADOPTED this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Gary M. Baum, Interim City Attorney

COOPERATIVE AGREEMENT
BETWEEN THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
AND THE CITY OF MILPITAS RELATING TO THE BART SILICON VALLEY
BERRYESSA EXTENSION

This Cooperative Agreement between the Santa Clara Valley Transportation Authority and the City of Milpitas Relating to the Milpitas Bay Area Rapid Transit Station (“Agreement”) is entered into by and between the City of Milpitas, a general law city of the State of California (hereafter referred to as “City”) and the Santa Clara Valley Transportation Authority, a public transit district (hereafter referred to as “VTA”) (collectively, the “Parties”). This Agreement is effective as of the last date set forth by the Parties executing this Agreement.

RECITALS

WHEREAS, the Bay Area Rapid Transit (“BART”) system comprises a network of four heavy-rail rapid transit lines serving several urbanized counties (San Francisco, Alameda, Contra Costa, and San Mateo) of the San Francisco Bay Area. At present, the southern terminus of the system is in the City of Fremont in Alameda County. VTA has undertaken a program of activities leading to extension of BART service into Santa Clara County with BART stations in Milpitas and San Jose.

WHEREAS, the Milpitas BART station is currently under construction and is projected to be completed in late 2016 and operational in late 2017.

WHEREAS, the Milpitas Fire Department is currently preparing for enhanced emergency response operations within the area of the Milpitas BART station and tracks (“BART Corridor”) due to the future opening of the BART system within the City in 2017.

WHEREAS, after reviewing the potential impacts of both the construction phase and the operations phase of the BART system with the City, the need for an increased technical rescue capacity has been identified as an area that will require additional resources from the Milpitas Fire Department due to the unique challenges within the BART guideway and station.

WHEREAS, the technical rescue requirements along the BART system in Milpitas will require an increased capability for lifting and stabilization of equipment and obstructions in potential rescue operations for patient extrication in the current construction zone and the forthcoming BART/VTA station and track facilities.

WHEREAS, after diligent research, the Milpitas Fire Department has identified the Paratech Urban Search & Rescue trailer as the appropriate comprehensive rescue trailer equipped to perform lifting and stabilization in significant technical incidents. The inventory includes airbags, stabilization shores, and equipment for the cutting of metal rail cars as further described in Exhibit A of this Agreement.

WHEREAS, the cost for the Paratech Urban Search & Rescue trailer (“Paratech Trailer”) as provided through the only local authorized distributor (L.N. Curtis and Sons) is One Hundred Sixty-Five Thousand and Three Hundred Fifty Nine Dollars and Eight One cents (\$165,359.81).

WHEREAS, the City desires to purchase the Paratech Trailer and VTA desires to fully reimburse the City for the purchase as further described in this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the Parties agree to the following:

1. **Purchase and Use of Paratech Trailer.** City agrees to purchase the Paratech Trailer as further described in Exhibit A. The Paratech Trailer shall be owned by City and operated by the Milpitas Fire Department. City agrees to maintain the Paratech Trailer for its usable life and use it, as necessary, for emergency responses within the BART system. The expected usable life span of the Paratech Trailer is ten years (10) from the time of deployment with the Milpitas Fire Department.
2. **VTA Reimbursement of City.** VTA shall fully reimburse the City up to the amount of the price of the Paratech Trailer, but in no event to exceed One Hundred Sixty-Five Thousand and Three Hundred Fifty-Nine Dollars and Eighty One cents (\$165,359.81) ("Purchase Price") upon receipt of an invoice and evidence of purchase as set forth in Section 3, below. This total price includes sales tax as outlined in Exhibit A.
3. **Invoicing.** City shall provide VTA with an invoice showing the amount owed by VTA for purchase of the Paratech Trailer. Said invoice shall be accompanied by evidence showing payment for and delivery of the Paratech Trailer to City.

Invoices shall be sent to:

Santa Clara Valley Transportation Authority
Carolyn Gonot
3331 North First Street
San José, CA 95134-1906

No later than thirty (30) days after City has submitted an invoice containing the aforementioned evidence of acquisition, VTA shall remit the amount necessary to cover the costs of the purchase of the Paratech Trailer up to the Purchase Price. Payment to City shall be made by check or wire payment to:

City of Milpitas
Finance Department
455 East Calaveras Blvd.
Milpitas, CA 95035

Or in any other method acceptable to both Parties.

4. VTA's reimbursement of the Purchase Price to City shall fully satisfy any and all obligations of VTA for providing emergency response equipment to the City related to the implementation of BART service within the City.
5. **Hold Harmless and Indemnification** Pursuant to Government Code Section 895.4, each of the Parties hereto shall fully indemnify, defend and hold the other Party, its

officers, employees and agents, harmless from any damage or liability imposed for injury (as defined in Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying Party, its officers, employees, contractors or agents, under or in connection with any of the obligations set forth in this Agreement. Neither Party, nor any officer, employee or agent thereof, shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other Party hereto, its officers, employees or agents, under or in connection with any work, authority or jurisdiction delegated to such other Party under this Agreement.

6. **Notices.** Any notice required to be given by either party, or which either party may wish to give, shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To VTA: Santa Clara Valley Transportation Authority
Carolyn Gonot
3331 North First Street
San José, CA 95134-1906

To City: City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035
Attention: Fire Chief

7. **Severability.** If any term, provision, covenant, or condition of this Agreement is held by a jurisdictional court to be invalid, void, or unenforceable, the rest of the Agreement shall remain in full force and effect.
8. **Amendments.** This Agreement may not be modified except by written instrument executed and approved in the same manner as this Agreement.
9. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties related to the subject matter set forth herein, and supersedes all understandings, offers, negotiations and other agreements, oral or written, concerning the subject matter contained herein. There are no representations or understandings of any kind not set forth herein. Any amendments, modifications or waivers of any of the terms and conditions of this Agreement must be in writing and executed by both Parties.
10. **Ambiguities.** The Parties hereto acknowledge and agree that this Agreement has been negotiated and drafted by legal counsel for each party and that each party has had an opportunity to review this Agreement as well as consult with its legal counsel regarding the meaning of its terms. Consequently, the doctrine that ambiguities in an agreement should be resolved against the drafting party shall not be employed in connection with this Agreement, and this Agreement shall be interpreted in accordance with its fair meaning.

11. **Successors and Assign.** This Agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the respective Parties.
12. **Governing Laws.** This Agreement shall be governed by the laws of the State of California, and be binding on and inure to the benefit of the successors and permitted assignees of the respective Parties.
13. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.
14. **Non-Waiver.** The failure of either party to insist upon the strict performance of any of the terms, covenants, and conditions of this Agreement will not be deemed a waiver of any right or remedy that a party may have, and will not be deemed a waiver of the right to require strict performance of all of the terms, covenants, and conditions thereafter.
15. **Exhibits.** The Exhibits attached hereto are incorporated herein by this reference:

WITNESS THE EXECUTION HEREOF on the day and year last written below.

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

By: _____
Nuria Fernandez
General Manager

Date: _____

APPROVED AS TO FORM:

By: _____
General Counsel

CITY OF MILPITAS

By: _____
Tom Williams, City Manager

Date: _____

APPROVED AS TO FORM:

By: _____
Gary M. Baum, Interim City Attorney

EXHIBIT A

COOPERATIVE AGREEMENT

BETWEEN THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY AND THE CITY OF MILPITAS RELATING TO THE BART SILICON VALLEY BERRYESSA EXTENSION

(phone) 510-839-5111
(toll free) 800-443-3556
(fax) 510-839-5325
oaksales@lncurtis.com

L.N.CURTIS & SONS
TOOLS FOR HEROES* since 1929

Pacific North Division
1800 Peralta Street
Oakland, California 94607
www.LNCURTIS.com

QUOTATION

DATE	TERMS	F.O.B.	BASE CODE	QUOTATION NO.
08/12/14	NET 30 DAYS	DEST KL		1324960-00

TO: CITY OF MILPITAS FIRE DEPT
ATTN:
777 S. MAIN ST
MILPITAS, CA 95035

This quotation subject to acceptance within 30 days. Shipment contingent upon strikes, fire, accidents or other delays beyond reasonable control for the company.
L.N. Curtis and Sons retains ownership and title to all equipment until fully paid for in legal money of the United States of America.
All prices quoted subject to applicable Federal, State, County or City Taxes and Licenses.

L.N. CURTIS AND SONS

By JOHN CASSANI

QUANTITY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	EA	22000CSTMSMT7DEMO	PARA SMT7 US&R RED TRAILER PKG, DEMO	150000.00	150000.00
			* PER ATTACHED INVENTORY LIST.		
1	EA	VEHICLE WRAP	AND LETERING	2055.00	2055.00
			.		
			.		
			*LNC&S PAYS THE FREIGHT TO THE DESTINATION.		
			*THANK YOU FOR THE OPPORTUNITY TO QUOTE!		
			Sub Total		152055.00
			Sales Tax		13304.81
			Total		165359.81

Last Page



March 27, 2015

Milpitas Fire Department
Attn: Chief Rick Frawley
777 S. Main Street
Milpitas, CA 95035

Dear Chief Frawley,

I am pleased to inform you that L.N. Curtis & Sons is Paratech's Sole Source provider of Paratech products and product orientation and familiarization for the following product groups in the state of California: Rescue Support Systems, Vehicle Stabilization Kits, MAXIFORCE® Air Lifting Bags, Rescue Air Cushions, Leak Sealing Systems, Powered Impact Tools and SMT™s (Special Mission Tender).

All domestic emergency service product inquiries in this state are referred to L.N. Curtis & Sons. In addition, L.N. Curtis & Sons is the only authorized trade-in and warranty evaluation center in this area. They are well trained and properly equipped to service your requirements for Paratech products. I am quite proud of our long standing relationship with L.N. Curtis & Sons and I know they will serve you well before and after the sale.

I appreciate your interest in our fine products and along with L.N. Curtis & Sons, look forward to providing you with the most advanced and highest quality equipment available for today's hazardous rescue operations. Your safety is our business, so please feel free to call me at any time.

Sincerely,

Hans Frank Normolle
Chief Sales Officer
Paratech, Inc.

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
☐ Budget Appropriation	269-3578	\$165,359.81	269-812-4851	\$165,359.81
☐ Budget Transfer				

Explain the reason for the budget change:

Background: The Milpitas BART station is currently under construction and is projected to be completed in late 2016 and operational in late 2017. As such, the Milpitas Fire Department is currently preparing for enhanced emergency response operations within the area of the Milpitas BART station and tracks. After reviewing the potential impacts of both the construction phase and the operations phase of the BART system, the need for an increased technical rescue capacity has been identified as an area that will require additional resources from the Milpitas Fire Department due to the unique challenges within the BART guideway and station.

The Milpitas Fire Department has identified the Urban Search & Rescue Trailer by Paratech, Inc. as the appropriate comprehensive rescue trailer equipped to perform lifting and stabilization in significant technical incidents. The inventory includes airbags, stabilization shores, and equipment for the cutting of metal rail cars.

The sole vendor for Paratech, Inc. products and support, including the Paratech Urban Search & Rescue Trailer, in California is LN Curtis & Sons, a fire equipment supplier. LN Curtis & Sons is also the only authorized trade-in and warranty repair work center in the Bay Area region for Paratech Inc. products.

The Paratech, Inc. Urban Search & Rescue Trailer and equipment is compatible with existing Milpitas FD rescue equipment as well as rescue equipment that is currently part of the fire agency mutual aid system in Santa Clara County. Paratech, Inc. shores and struts are part of the Santa Clara County Fire technical rescue cache. It is essential for interoperability that all mutual aid equipment matches Santa Clara County Fire Standards. Section I-2-3.09 of the Milpitas Municipal Code authorizes the City Council to award contracts without competition when the Purchasing Agent determines that there is only one source for the required supply or service.

Fiscal Impact: None. The funding for the purchase of the rescue trailer will be reimbursed by the Santa Clara Valley Transportation Authority.

Recommendations:

1. Approve the agreement with the Santa Clara Valley Transportation Authority for the funding of a sole source purchase of a specialized urban search and rescue trailer from L.N. Curtis & Sons for a total cost of \$165,359.81.
2. Approve a budget appropriation of \$165,359.81 into the Fire Department budget.

☐ Check if City Council Approval required.

Meeting: August 4th 2015

Itemization of funds, if needed:		Amount
Requested by:	Division Head: Robert Mihovich, Fire Chief	Date: July 21, 2015
	Department Head:	Date:
Reviewed by:	Finance Director: <i>for Emma Karler</i>	Date: 7/21/15
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by:

FI/24786/V

Form 30-222 (Rev. 1/92)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AWARDING A CONSTRUCTION CONTRACT TO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, GEORGE BIANCHI CONSTRUCTION INC., IN THE AMOUNT OF \$406,299.50 AND AUTHORIZING THE DIRECTOR OF ENGINEERING/CITY ENGINEER TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN THE CUMULATIVE AMOUNT NOT TO EXCEED \$40,000 FOR THE 2014 SOUNDWALL RENOVATION PROJECT, PROJECT NO. 4267

WHEREAS, on April 21, 2015, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for the 2014 Soundwall Renovation Project No. 4267, which provides for the replacement of an existing City-owned precast concrete soundwall adjacent to Tularcitos Creek at Hillview Drive, and for the repair and painting of the City-owned soundwall along the south side of Jacklin Road west of Hillview Drive; and

WHEREAS, the Engineer's Estimate for the base bid Project work was \$415,000; and

WHEREAS, the Project was advertised and three (3) sealed bid proposals were received on July 21, 2015. The bid pricing ranged from \$385,030 to \$449,800. One of the three bids submitted was determined to be nonresponsive. Printex Concrete Products, who submitted the lowest bid, did not possess the required Class B license from the Contractors State License Board as required by the Notice Inviting Bids. Therefore, the lowest responsible bid was submitted by George Bianchi Construction Inc. in the amount of \$406,299.50; and

WHEREAS, no bid protest was filed with the City within five (5) days of the bid opening as set forth in the Project plans and specifications; and

WHEREAS, as the Project budget contains sufficient funds to award the Project contract, staff recommends the City Council to authorize the City Manager to award to and execute a construction contract with the lowest responsible bidder for the Project in conformity with State law; and

WHEREAS, due to the Project's tight completion schedule and staff's ability to respond swiftly to unanticipated construction conditions in order to limit potential claims against or risk to the City, staff recommends the City Council to authorize the Director of Engineering/City Engineer to negotiate and execute change order(s) in a cumulative amount not to exceed the construction contingency established for this Project of \$40,000, which is approximately ten (10) percent of the estimated construction cost.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby awards the construction contract to and authorizes the City Manager to execute a construction contract and related documents with the lowest responsible bidder, George Bianchi Construction Inc., for the 2014 Soundwall Renovation Project, Project No. 4267, in the amount of \$406,299.50.

3. The Director of Engineering/City Engineer is hereby authorized to negotiate and execute contract change order(s) for the 2014 Soundwall Renovation Project, Project No. 4267, in the cumulative contingency amount not to exceed \$40,000.

PASSED AND ADOPTED this ____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Gary M. Baum, Interim City Attorney



CITY OF MILPITAS
ENGINEERING DIVISION
BID SUMMARY

Project Name: 2014 Soundwall Renovation Jacklin Road & Del Rio Court
Project No. : 4267
Bid Date: July 21, 2015

BASED BID				Engineer's Estimate		Printex Concrete		George Bianchi Construction		OnPoint Construction	
ITEM	DESCRIPTION	Qty.	UNIT	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension
1	Mobilization	1	LS	\$20,000.00	\$20,000.00	\$19,000.00	\$19,000.00	\$5,000.00	\$5,000.00	\$18,000.00	\$18,000.00
2	Traffic Control	1	LS	\$20,000.00	\$20,000.00	\$17,500.00	\$17,500.00	\$17,020.00	\$17,020.00	\$10,000.00	\$10,000.00
3	Water Pollution Control	1	LS	\$15,000.00	\$15,000.00	\$35,000.00	\$35,000.00	\$9,760.00	\$9,760.00	\$5,800.00	\$5,800.00
4	Temporary Shoring and Bracing	1	LS	\$15,000.00	\$15,000.00	\$13,600.00	\$13,600.00	\$2,550.00	\$2,550.00	\$15,000.00	\$15,000.00
5	Crack Repair - Epoxy Crack Injection Jacklin/Hillview	1	LS	\$25,000.00	\$25,000.00	\$5,000.00	\$5,000.00	\$80,380.00	\$80,380.00	\$35,000.00	\$35,000.00
6	Joint Sealing Jacklin Rd/Hillview Dr	1	LS	\$35,000.00	\$35,000.00	\$5,000.00	\$5,000.00	\$11,010.00	\$11,010.00	\$5,000.00	\$5,000.00
7	Plaster Finish Jacklin Rd/Hillview Dr	1	LS	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$14,280.00	\$14,280.00	\$18,000.00	\$18,000.00
8	Concrete Excavation, Cutting, Removal Surface Prep	1	LS	\$55,000.00	\$55,000.00	\$72,000.00	\$72,000.00	\$2,500.00	\$2,500.00	\$22,000.00	\$22,000.00
9	Painting - Jacklin Rd/Hillview Dr	1	LS	\$25,000.00	\$25,000.00	\$5,000.00	\$5,000.00	\$25,530.00	\$25,530.00	\$36,000.00	\$36,000.00
10	Deferred Submittal and Building Permit - Del Rio Court	1	LS	\$15,000.00	\$15,000.00	\$2,500.00	\$2,500.00	\$3,750.00	\$3,750.00	\$25,000.00	\$25,000.00
11	Existng Wall Demolition Del Rio Court	1	LS	\$60,000.00	\$60,000.00	\$50,000.00	\$50,000.00	\$117,277.00	\$117,277.00	\$45,000.00	\$45,000.00
12	Del Rio Court Soundwall	1	LS	\$110,000.00	\$110,000.00	\$150,430.00	\$150,430.00	\$117,242.50	\$117,242.50	\$215,000.00	\$215,000.00
TOTAL				\$415,000.00		** \$385,030.00		\$406,299.50		\$449,800.00	
						Does not possess required Class B License		APPARENT LOW BIDDER			

List of Sub-Contractors

Description		CO.	CO.	CO.
	Concrete		Printex Concrete	Printex Concrete

Construction Change Order Policy for 2014 Soundwall Renovation Project, Project No. 4267.

2007 City Council Approved Construction Change Order Policy

<u>Construction Award Award Amount</u>	<u>Individual Administrative Change Order Authority</u>	<u>Cumulative Change Order Authority</u>
Under \$50,000	\$5,000	\$7,500
Over \$50,000	10% of Award or \$25,000 whichever is small	15% of Award or \$100,000 whichever is smaller

2014 Soundwall Renovation Project Change Order Policy

<u>Construction Award Award Amount</u>	<u>Individual Administrative Change Order Authority</u>	<u>Cumulative Change Order Authority</u>
\$406,299.50	N/A	\$40,000



CITY OF MILPITAS CONTRACT

Project: On-Call Sidewalk Repair, Curbs & Gutters at Various City of Milpitas Sites

IFB No: 2101

Annual Amount of Contract: \$336,250.00

THIS CONTRACT, made this 5th day of August, 2015, by and between the City of Milpitas, hereinafter referred to as "City" and **J.J.R. Construction**, a California corporation, hereinafter referred to as "Contractor",

WITNESSETH:

A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and

B. WHEREAS, said Specifications include:

1. Notice of Invitation For Bids
2. Technical Specifications
3. Instructions To Bidder
4. Terms and Conditions
5. Special Provisions For Services
6. Drawings
7. Addenda
8. Bid Forms
9. Non-Collusion Affidavit
10. Bidder's Statement Regarding Insurance Coverage
11. Worker's Compensation Insurance Certificate
12. Apprenticeship Standards Certificate
13. Nondiscriminatory Employment Certificate
14. References
15. Subcontractors List
16. Subcontractors Acceptance of Solicitation Requirements
17. Local Purchasing Preference Certificate
18. Payment Bond
19. Exhibit A, B & C

C. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Bid and further as agreed upon by the parties as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Bid, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the

prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

1. The initial term of this Contract is for one (1) year from August 5, 2015 to August 4, 2016 (the "Initial Term"), provided the City reserves the right at its sole discretion to extend this Contract on an annual basis for up to an additional four (4) years by providing written notice to Contractor prior to the expiration of the then applicable term and in the form attached hereto as "Exhibit A - Notice of Exercise of Option to Extend Agreement". City will make monthly payments within thirty (30) days of receipt of each approved invoice.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

CITY OF MILPITAS,
A Municipal Corporation

J.J.R. Construction

Thomas C. Williams, City Manager

Name of Authorized Representative

Approved As
To Form:

Title of Authorized Representative

Gary M. Baum
Interim City Attorney

Business Address

Approved As
To Content:

Telephone #

David Gordillo, City Project Manager

E-Mail Address

ATTEST BY:

City of Milpitas Business License No.:

FEIN: _____

Marry Lavelle, City Clerk

EXHIBIT A - NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	
CONTRACTOR Name and Address:	
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to the Terms and Conditions of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
-------------------	--

NEW OPTION TERM

Begin date:	
End date:	

☐ CHANGES IN RATE OF COMPENSATION

Percentage change in ____ index upon which adjustment is based:	
--	--

Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:

(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
--	--

For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF MILPITAS a municipal corporation By _____ Name: Chris Schroeder Title: Purchasing Agent	CONTRACTOR By _____ Name: Title:
--	--



CITY OF MILPITAS CONTRACT

Project: Fire Extinguisher Maintenance and Repair Service

IFB No: 2099

Annual Amount of Contract: \$23,008.00

THIS CONTRACT, made this 5th day of August, 2015, by and between the City of Milpitas, hereinafter referred to as "City" and **Battalion One Fire Protection**, a California corporation, hereinafter referred to as "Contractor",

WITNESSETH:

A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and

B. WHEREAS, said Specifications include:

1. Notice of Invitation For Bids
2. Detailed Specifications
3. Instructions To Bidder
4. Terms and Conditions
5. Special Provisions For Services
6. Addenda
7. Bid Forms
8. Non-Collusion Affidavit
9. Bidder's Statement Regarding Insurance Coverage
10. Worker's Compensation Insurance Certificate
11. Nondiscriminatory Employment Certificate
12. References
13. Local Purchasing Preference Certificate
14. Exhibit "A" – Insurance Requirements – General
15. Exhibit "B" – Detailed Equipment List Per Location and Supplemental Bid Sheet

C. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Bid and further as agreed upon by the parties as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Bid, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein

provided for the fulfillment of the work and the performance of the covenants therein set forth.

1. The initial term of this Contract is for one (1) year from August 5, 2015 to August 4, 2016 (the "Initial Term"), provided the City reserves the right at its sole discretion to extend this Contract on an annual basis for up to an additional four (4) years by providing written notice to Contractor prior to the expiration of the then applicable term and in the form attached hereto as "Exhibit A - Notice of Exercise of Option to Extend Agreement". City will make monthly payments within thirty (30) days of receipt of each approved invoice.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

CITY OF MILPITAS,
A Municipal Corporation

BATTALION ONE FIRE PROTECTION

Thomas C. Williams, City Manager

Name of Authorized Representative

Approved As
To Form:

Title of Authorized Representative

Gary M. Baum
Interim City Attorney

Business Address

Approved As
To Content:

Telephone #

Roger Robledo, City Project Manager

E-Mail Address

ATTEST BY:

City of Milpitas Business License No.:

FEIN: _____

Marry Lavelle, City Clerk

EXHIBIT A - NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	
CONTRACTOR Name and Address:	
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to the Terms and Conditions of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
-------------------	--

NEW OPTION TERM

Begin date:	
End date:	

☐ CHANGES IN RATE OF COMPENSATION

Percentage change in ____ index upon which adjustment is based:	
--	--

Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:

(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
--	--

For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF MILPITAS a municipal corporation By _____ Name: Chris Schroeder Title: Purchasing Agent	CONTRACTOR By _____ Name: Title:
--	--



CITY OF MILPITAS CONTRACT

Project: Fire Alarm and Fire Suppression System Inspection, Testing Maintenance and Repair Service

IFB No: 2096

Annual Amount of Contract: \$35,868.00

THIS CONTRACT, made this 5th day of August, 2015, by and between the City of Milpitas, hereinafter referred to as "City" and **Simplex Grinnell**, a Delaware corporation register in the State of California, hereinafter referred to as "Contractor",

WITNESSETH:

A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and

B. WHEREAS, said Specifications include:

1. Notice of Invitation For Bids
2. Scope of Work
3. Instructions To Bidder
4. Terms and Conditions
5. Special Provisions For Services
6. Addenda
7. Bid Forms
8. Non-Collusion Affidavit
9. Bidder's Statement Regarding Insurance Coverage
10. Worker's Compensation Insurance Certificate
11. Apprenticeship Standards Certificate
12. Nondiscriminatory Employment Certificate
13. Subcontractors List
14. Subcontractors Acceptance of Solicitation Requirements
15. References
16. Local Purchasing Preference Certificate
17. Exhibit "A" – Insurance Requirements – General
18. Exhibit "B" – Detailed Equipment List Per Location and Supplemental Bid Sheet

C. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Bid and further as agreed upon by the parties as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Bid, which are made a part

hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

1. The initial term of this Contract is for one (1) year from August 5, 2015 to August 4, 2016 (the "Initial Term"), provided the City reserves the right at its sole discretion to extend this Contract on an annual basis for up to an additional four (4) years by providing written notice to Contractor prior to the expiration of the then applicable term and in the form attached hereto as "Exhibit A - Notice of Exercise of Option to Extend Agreement". City will make monthly payments within thirty (30) days of receipt of each approved invoice.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

CITY OF MILPITAS,
A Municipal Corporation

SIMPLEX GRINNELL

Thomas C. Williams, City Manager

Name of Authorized Representative

Approved As
To Form:

Title of Authorized Representative

Gary M. Baum
Interim City Attorney

Business Address

Approved As
To Content:

Telephone #

Roger Robledo, City Project Manager

E-Mail Address

ATTEST BY:

City of Milpitas Business License No.:

FEIN: _____

Marry Lavelle, City Clerk

EXHIBIT A - NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	
CONTRACTOR Name and Address:	
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to the Terms and Conditions of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
-------------------	--

NEW OPTION TERM

Begin date:	
End date:	

☐ **CHANGES IN RATE OF COMPENSATION**

Percentage change in ____ index upon which adjustment is based:	
--	--

Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:

(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
--	--

For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF MILPITAS a municipal corporation By _____ Name: Chris Schroeder Title: Purchasing Agent	CONTRACTOR By _____ Name: Title:
--	--



AMENDMENT NO. 1 TO THE AGREEMENT
WITH
JP GRAPHICS, INC.
FOR
CITY WIDE PRINTING SERVICES

This Amendment is entered into this 22nd day of July, 2015, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **JP Graphics, Inc.**, a California corporation (hereafter referred to as "CONTRACTOR").

RECITALS

WHEREAS, the parties entered into an Agreement on February 1, 2015 for city wide printing services in the amount of Seventy Thousand dollars (\$70,000.00) per year; and

WHEREAS, the parties desire to amend the Agreement to allow the contractor to perform additional services by increasing the value of the contract by Sixty-Five Thousand dollars (\$65,000.00) to a not-to-exceed annual contract value of One Hundred Thirty-Five thousand dollars (\$135,000.00)

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The annual not-to-exceed amount of the contract is increased to One Hundred Thirty-Five thousand dollars (\$135,000.00) for a total five year contract value not-to-exceed of Six Hundred Seventy-Five Thousand (\$675,000.00)
2. All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

J.P. Graphics

Thomas C. Williams, City Manager

Name of Authorized Representative

Title of Authorized Representative

Approved As To Form:

City Attorney

**AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND
THE CITY OF MILPITAS
FOR EMERGENCY MEDICAL DISPATCH SERVICES**

BACKGROUND

The City of Milpitas (“City”) wishes to contract with a provider of emergency medical dispatch (“EMD”) services for the provision of EMD services on its behalf. This Agreement Between the County of Santa Clara and the City of Milpitas for Emergency Medical Dispatch Services (“Agreement”) outlines the terms and conditions by which the County of Santa Clara (“County”) shall provide effective, timely and efficient emergency medical dispatch services for the City.

THE AGREEMENT

Article 1. Nature of Services

1.1 Scope of Services

The service obligations of the parties are described in Exhibit A, which is attached and incorporated into this Agreement.

Article 2. Compensation

2.1 Amount of Payment

The City shall compensate the County for the services provided under this Agreement in accordance with the cost methodology set forth in Exhibit B.

Article 3. Term and Termination

3.1 Term of Agreement

This Agreement is effective for five (5) years beginning at 12:00 a.m., July 1, 2015 and ending at 11:59 p.m. on June 30, 2020, unless terminated earlier in accordance with Section 3.2 or extended pursuant to the provisions herein.

3.2 Termination

- (a) Termination for Cause. Either party may terminate this Agreement for cause upon written notice to the other in accordance with Section 6.1. For purposes of this Agreement, cause includes, but is not limited to, a material breach of this Agreement or a violation of any applicable laws. Such notice will specify the reason for termination and will indicate the effective date of the termination.
- (b) Opportunity to Cure

- (1) The non-breaching party will give written notice of a material breach to the breaching party, specifying the breach.
- (2) The breaching party will not be deemed in default of this Agreement and the non-breaching party will not institute proceedings or exercise any remedies against the breaching party unless the breach has not been cured, corrected or remedied within:

(A) 15 days after notice of the breach is provided; or

(B) upon mutual agreement of the parties, within a longer period as may be reasonably required to cure, correct or remedy the breach, provided the breaching party has commenced to cure, correct or remedy the breach within 15 days after notice is provided and diligently and continuously pursues such cure, correction or remedy.

(c) Termination for Convenience

Either party may terminate this Agreement without cause by giving the other party ninety (90) days written notice.

(d) Compensation in the Event of Termination

In the event of termination, the County shall be entitled to compensation for services performed prior to the effective date of the termination as provided herein.

Article 4. Liabilities and Indemnification

4.1 Mutual Indemnification

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the parties pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the County and the City agree that pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify, defend with counsel acceptable to the non-indemnifying party, whose approval shall not be unreasonably withheld, and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring wholly by reason

of the negligent acts or omissions or willful misconduct of the other party hereto, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other party under this Agreement.

Article 5. Dispute Resolution

In the event of any dispute between the parties arising from or relating to this Agreement, the parties will attempt to resolve the dispute initially by informal means. Upon the request of either party, the contract administrators of each party will meet to discuss the dispute, will exchange any information that they mutually agree is relevant to the issues in dispute, and will use all reasonable efforts to resolve the dispute without the need for further proceedings.

Article 6. Miscellaneous

6.1 Notice

All notices required by this Agreement will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such other address as the party may designate in writing:

To the City:

Attn: Chief of Police
City of Milpitas
Milpitas Police Department
1275 N. Milpitas Blvd.
Milpitas, CA 95035

To the County:

Attn: Communications Director
County of Santa Clara
Communications Department
2700 Carol Dr.
San Jose, CA 95125

6.2 Compliance and Nondiscrimination

The parties will comply with all applicable Federal, State, and local laws and regulations. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of

1964 as amended, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Sections 503 and 504), the California Fair Employment and Housing Act (Government Code sections 12900 et seq.), and California Labor Code sections 1101 and 1102. The parties will not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. Nor will the parties discriminate in the provision of services provided under this Agreement because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.

6.3 Relationship of Parties; Independent Contractor

County will perform all work and services described in this Agreement as an independent contractor and not as an officer, agent, servant or employee of City. None of the provisions of this Agreement is intended to create, nor shall be deemed or construed to create, any relationship between the parties other than that of independent parties contracting with each other for purpose of effecting the provisions of this Agreement. The parties are not, and will not be construed to be in a relationship of joint venture, partnership or employer-employee. Neither party has the authority to make any statements, representations or commitments of any kind on behalf of the other party, or to use the name of the other party in any publications or advertisements, except with the written consent of the other party or as is explicitly provided in this Agreement.

6.4 Governing Law

This Agreement has been executed and delivered in, and will be construed and enforced in accordance with, the laws of the State of California.

6.5 Assignment

The parties may not assign this Agreement or the rights and obligations hereunder without the specific written consent of the other.

6.6 Entire Agreement

This document represents the entire Agreement between the parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the parties with respect to the subject matter of this Agreement are merged into this Agreement.

6.7 Amendments

This Agreement may only be amended by an instrument signed by the parties.

6.8 Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

6.9 Severability

If any provision of this Agreement is found by a court of competent jurisdiction to be void, invalid or unenforceable, the same will either be reformed to comply with applicable law or stricken if not so conformable, so as not to affect the validity or enforceability of this Agreement.

6.10 Waiver

No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party must be in writing, and shall apply to the specific instance expressly stated.

6.11 Survival

All provisions of this Agreement allocating liability between the City and the County, payment obligations, and the duty to defend, indemnify and hold harmless shall survive the termination of this Agreement.

6.12 Integration and Order of Precedence

This Agreement, including all Exhibits, represents the entire and integrated contract between the City and the County and supersedes all prior negotiations, representations, or agreements, either written or oral. In the event of a conflict between the provisions of the main body of the Agreement and its Exhibits, the provisions of the main body shall control. In the event of a conflict between Exhibits A and B, the provisions of Exhibit A shall control.

6.13 Time of the Essence

The parties acknowledge that time is of the essence of this Agreement. Either party's failure to complete any of the obligations outlined herein during the term of the Agreement shall be deemed a breach of the Agreement.

6.14 Amendment.

The parties may amend this Agreement only by a writing signed by all the parties.

IN WITNESS WHEREOF, the COUNTY and CITY have caused this Agreement to be executed by their duly authorized representatives as of the day and year written above.

Signed:

COUNTY OF SANTA CLARA

CITY OF MILPITAS

by _____
Dave Cortese, President
Board of Supervisors Date

by _____
Thomas C. Williams
City Manager Date

Attest:

Attest:

Megan Doyle,
Clerk of the Board of Supervisors

Mary Lavelle, City Clerk

Approved as to Form and Legality:

Approved as to Form:

Donald Larkin, Deputy County Counsel

City Attorney

Exhibits to this Agreement:

Exhibit A – Emergency Medical Dispatch (EMD) Process, Procedural Requirements

Exhibit B – Compensation for Services

Exhibit A

Emergency Medical Dispatch Process & Procedural Requirements

To ensure the safe and efficient transfer of callers requiring Emergency Medical Dispatch (EMD) services from Milpitas Communications to County Communications, Milpitas Communications and County Communications agree to process 9-1-1 and ten-digit emergency calls using the following process and procedural requirements:

1. Milpitas Communications will use a “3-way” telephone call transfer process to route callers to County Communications for EMD services. This process will:
 - Use a “one-button” method to minimize transfer time;
 - Result in Milpitas telecommunicators:
 - Using a scripted transfer statement prior to caller transfer; and
 - Remaining on the line silently until the provision of an MPDS “Determinant” or until call demand requires them to leave the call.
2. County Communications will provide Milpitas Communications with continuous (24 hours per day, 7 days per week) EMD services using International Academy of Emergency Dispatch (IAED) certified Emergency Medical Dispatchers. All dispatchers providing EMD services will use the most current version of the Medical Priority Dispatch System as determined by the IAED.
3. County Communications will use IAED certified Emergency Medical Dispatch Quality (EMD-Q) reviewers to review and evaluate protocol compliance reports. The number and method of cases for review will be in accordance with current IAED Accreditation requirements.
4. County Communications agrees to participate in periodic “special case” reviews, in the event they are requested by Milpitas Communications.
5. County Communications and Milpitas Communications agree that the determination “EMD Is Unavailable” will occur following a “three-ring” wait time for EMD caller transfers to County Communications for 911 or designated ten-digit number transfers.
6. County Communications and Milpitas Communications agree to work together to develop or revise policies and procedures for the receipt and management of callers requiring EMD services following written request by either agency.
7. County Communications will include Milpitas Communications and Milpitas Fire Department personnel in quality improvement feedback processes through the Medical Dispatch Review Committee used to maintain and improve EMD compliance to protocol.

County Communications will also provide quarterly protocol compliance reports based on compliance levels and deviation percentages in Case Entry, Chief Complaint, Key Questions, Dispatch Life Support, Final Code, and Customer Service. To meet this standard, EMD Dispatchers must demonstrate that no more than 10% of cases fall in the Partial Compliance Level, no more than 10% of cases fall in the Low Compliance Level, and no more than 7% of cases fall in the Non-Compliant Level.

8. County Communication will maintain the following compliance levels for each of the following EMD and caller transfer processes:

Standards for ACE Re-Accreditation:

	ACE				
High Compliance					
Compliant					
Partial Compliance	20%				
Low Compliance	20%				
Non-Compliance	20%				
Percentage of Deviation Accepted	Critical Deviation	Major Deviation	Moderate Deviation	Minor Deviation	
Case Entry	2%	3%	3%	3%	
Chief Complaint	5%	3%	4%	5%	
Key Questions	3%	3%	5%	5%	
Dispatch Life Support	4%	3%	3%	6%	
Final Code	6%	8%	10%	10%	
Customer Service	2%	2%	2%	5%	
Total Accreditation Acceptance	3%	5%	6%	3%	

The above graduated scale applies to required biannual reports to the IAED.

9. County Communications will provide eight pocket user guides to Milpitas Fire Department.

Exhibit B
Compensation for Services

Cost Methodology

County Emergency Medical Dispatch (EMD) Program costs include:

1. Salary Costs: Premium paid to EMD-certified Communications Dispatcher I or as fixed in base salary equivalent to premium pay for Communications Dispatcher II, III, and Senior Communications Dispatcher level classifications.

2. Other Expenses:

- EMD Certification training course fees.
- Educational materials.
- Medical Priority Dispatch System (MPDS) protocols card-set/software and maintenance costs.

The County's EMD Program costs will be apportioned between the parties in proportion to the number of medical calls handled for the City compared to the total number of medical calls handled for the County (and other entities). EMD Program costs will be based on the most current budget cost information available for the next fiscal year and will be established each year of the Agreement by March 31 to be effective the following July 1. Call volume will be based on the last fiscal year for which there is complete data (e.g., on March 31, 2015, estimated call volume for FY 2016 will be based on FY 2014 data). After July 1, an adjustment of +/- 5% will be made to the City's cost, if actual County EMD Program costs or City's call volume are determined by the County to vary significantly from the previously estimated number. For this purpose "vary significantly" means having the effect of increasing or decreasing the City's cost by more than 1%. The County will notify City of any adjustment prior to billing the City's final fourth quarterly installment.

Program Cost for Fiscal Year 2014 (and Example Methodology for Outlying Years):

\$437,033	FY 2016 EMD Premium Pay Cost (72.5 EMD Certified Dispatchers)
<u>\$ 31,484</u>	FY 2016 EMD Educational and Other Expenses
\$468,517	Total FY 2016 County EMD Program cost (as of 02/04/2015)
X	2/3 Percent to be allocated
<u>\$312,345</u>	
<u>13.81 %</u>	% Milpitas Medical Calls (see calculation below)
\$ 43,140	Milpitas EMD Cost for FY 2016 (subject to +/- 5% adjustment after July 1, 2015)
9.3 = Average number of Milpitas Medical Calls per day in FY 2014	
58.3 = Average number of Medical Calls per day handled in FY 2014 by County in jurisdictions where County provides EMD services	
67.7 = Total average number of County + Milpitas Medical calls in FY 2014	
13.81 = % of Total FY14 Medical calls projected as Milpitas calls (9.3/67.7) per County Communications activity counts.	



AMENDMENT NO. 6 TO THE AGREEMENT
WITH
ACCO ENGINEERED SYSTEMS, INC.
FOR
MAINTENANCE AND REPAIR OF CITY HALL HVAC SYSTEM & RELATED
SERVICES

This Amendment is entered into this 4th day of August 2015, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **ACCO Engineered Systems, Inc.**, a California Corporation (hereafter referred to as "VENDOR").

RECITALS

WHEREAS, VENDOR was the lowest responsible bidder for the original installation of the HVAC system when City Hall was built; and

WHEREAS, due to the customized and proprietary nature of the software used in the HVAC control system, on February 17, 2009 the City Council adopted Resolution 7838 approving VENDOR as the "Sole Source" maintenance provider pursuant to Municipal Code Section I-2-3.09 "Sole Source Procurement", for a period of five years which expires on February 17, 2014; and

WHEREAS, on June 15, 2010, City Council approved a three year agreement for maintenance and repair of the City Hall HVAC system with VENDOR for the annual not-to-exceed amount of \$61,236.80 for a total contract not-to-exceed amount of \$183,710.40 for the period of July 1, 2010 to June 30, 2013 ("Agreement"); and

WHEREAS, the parties entered into Amendment No. 1 to the Agreement on August 31, 2011 to correct a typographical error at no cost to the City; and

WHEREAS, the parties entered into Amendment No. 2 to the Agreement on June 18, 2013 to extend the Agreement for eight months expiring on February 17, 2014, to coincide with the end of the Sole Source designation and increased compensation by Twenty-One Thousand One Hundred Forty-Four Dollars (\$21,144.00) for a total contract not-to-exceed amount of Two Hundred Four Thousand Eight Hundred Fifty-Four Dollars Forty Cents (\$204,854.40); and

WHEREAS, the parties entered into Amendment No. 3 to the Agreement on February 18, 2014, to extend the term of the Agreement to June 30, 2014 and increased compensation by Thirty-four Thousand Dollars (\$34,000.00) for a total contract not-to-exceed amount of Two Hundred Thirty-Eight Thousand Eight Hundred Fifty-Four Dollars and Forty Cents (\$238,854.40); and

WHEREAS, the parties entered into Amendment No. 4 to the Agreement on May 8, 2014, to extend the term of the Agreement to June 30, 2015 and to revise the Scope of Work and increased the compensation by Seventy-Two Thousand Nine Hundred

Sixty Dollars (\$72,960.00) for a total contract not-to-exceed amount of Three Hundred and Eleven Thousand Eight Hundred Fourteen Dollars and Forty Cents (\$311,814.40); and

WHEREAS, the parties entered into Amendment No. 5 to the Agreement on June 8, 2015, to extend the term of the Agreement to September 30, 2015 and to increase the compensation by Twenty Thousand Dollars (\$20,000.00) for a total contract not-to-exceed amount of Three Hundred Thirty-One Thousand Eight Hundred Fourteen Dollars and Forty Cents (\$331,814.40); and

WHEREAS, the parties now desire to increase the total compensation to the CONTRACTOR by One hundred Thirteen Thousand Seven Hundred and Sixty-Eight Dollars and One Cent (\$113,768.01) for a emergency repairs at City Hall not covered by the contract for a total contract not-to-exceed amount of Four Hundred Forty-Five Thousand Five Hundred and Eighty-Two Dollars and Forty-One Cents (\$445,582.41).

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 3 entitled "Payment Limit" of the Agreement is amended to read as follows:

"The City's total payments to Contractor under this contract shall not exceed: \$445,582.41."

2. Section 5 Entitled "City's Obligation" of the Agreement is amended to read as follows:

"City shall pay Contractor as follows: not-to-exceed \$445,582.41 as total payment for all services rendered."

3. All other provisions of the amended Agreement not modified by this Amendment No. 6 shall remain in full force and effect.

This Amendment is executed as of the date first on page one.

APPROVED BY:

CITY OF MILPITAS

Thomas C. Williams, City Manager

APPROVED AS TO FORM:

City Attorney

ACCO ENGINEERED SYSTEM

Name of Authorized Representative

Title of Authorized Representative

APPROVED AS TO CONTENT:

Roger Robledo, City Project Manager