



**MILPITAS CITY COUNCIL MEETING AGENDA  
NOVEMBER 27, 2007**

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**7:00 P.M. (PUBLIC BUSINESS)  
455 E. CALAVERAS BOULEVARD**

**SUMMARY OF CONTENTS**

- I. CALL TO ORDER/ROLL CALL (7:00 p.m.)**
- II. PLEDGE OF ALLEGIANCE**
- III. INVOCATION (Councilmember Polanski)**
- IV. APPROVAL OF MINUTES (November 6, 2007)**
- V. SCHEDULE OF MEETINGS – Council Calendars for November and December 2007**
- VI. PRESENTATIONS**

Proclamations:

- The Festival of Diwali
- Recognition of retiring Parks, Recreation and Cultural Resources Commissioner Robert McGuire

Certificate of Appreciation:

- Milpitas Police Senior Volunteers 5<sup>th</sup> Year Anniversary

Seventh Annual Neighborhood Beautification Awards

**VII. PUBLIC FORUM**

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

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**VIII. ANNOUNCEMENTS**

**IX. ANNOUNCEMENT OF CONFLICT OF INTEREST**

**X. APPROVAL OF AGENDA**

**XI. CONSENT CALENDAR (\*Items with Asterisks)**

**XII. PUBLIC HEARINGS**

- 1. Approve Fire Department Fee Schedule Adjustments – request to be continued (Staff Contact: Patricia Joki, 586-3370)**
- 2. Review of Mobilehome Park Conversion Impact Report for South Main Street Mobilehome Park at 1504 S. Main Street (Staff Contact: Felix Reliford, 586-3071)**

3. **Waive the First Reading Beyond the Title and Introduce Ordinance No. 65.136 Amending Building Code Administration, Adopt and Amend by Reference the 2007 Editions of the California Building Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Historical Building Code and California Existing Building Code; Adopt by Reference the 2006 Edition of the International Existing Building Code Appendix Chapters A2, A3, A4 and A5 (Staff Contact: Keyvan Irannejad, 586-3244)**

### **XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

- RA1. Call to Order by the Mayor/Chair**
- RA2. Roll Call**
- RA3. Approval of Minutes (November 6, 2007)**
- RA4. Approval of Agenda and Consent Calendar (Items with Asterisks\*)**
- \*RA5. Adopt Resolutions Granting Approval to Submit Grant Applications for Alviso Adobe Rehabilitation Project (Project No. 5055), Sports Center Large Gym Improvements (Project No. 8160), and Milpitas Senior Center (Project No. 8176) (Staff Contact: Greg Armendariz, 586-3317)**
- \*RA6. Approve Certificate of Completion for Certain Residential Units within Tract No. 9697 for KB Home, Project No. 3160 (Staff Contact: Robert Wang, 586-3327)**
- \*RA7. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for the Sports Center Large Gymnasium Improvements, Project No. 8160 (Staff Contact: Andrew Brozyna, 586-3315)**
- RA8. Agency Adjournment**

### **XIV. REPORTS OF OFFICER AND SUBCOMMITTEE**

#### **City Council**

- \* 4. Consider Two Requests for Donations from City Funds to Milpitas Kiwanis for Winter Child Spree and to Milpitas High School Robotics Team (Contact: Mayor Esteves, 586-3029)**
- 5. Consider Request to Adopt New Policy to Ban Use of Bottled Water by the City of Milpitas (Contact: Mayor Esteves, 586-3029)**
- 6. Consider Request to Adopt Three Green Building Related Policies for the City of Milpitas (Contact: Mayor Esteves, 586-3029)**
- \* 7. Consider Mayor's Recommendation for Re-Appointment to the Recycling and Source Reduction Advisory Commission (Contact: Mayor Esteves, 586-3029)**

#### **Transportation Subcommittee**

- 8. Approve the Transportation Subcommittee's Recommendation for Appointment of Councilmember(s) to the Valley Transportation Authority Board of Directors and Policy Advisory Committee, and to the Santa Clara County Expressway Study Policy Advisory Board (Staff Contact: Janice Spuller, 586-3291)**

- \* 9. **Approve and Authorize Staff to Submit a List of Projects for Inclusion into the Valley Transportation Authority's – Valley Transportation Plan 2035 (VTA VTP 2035) Update (Staff Contact: Greg Armendariz, 586-3335)**

**XV. NEW BUSINESS**

- 10. **Discussion of Strategic Plan Program (Staff Contact: Tom Williams, 586-3050)**
- 11. **Review Industrial Land Analysis Report and Provide Staff with Policy Direction (Staff Contacts: Diana Whitecar, 586-3059, Joe Oliva, 586-3290, and Sheldon Ah Sing, 586-3275)**
- \* 12. **Approve New Capital Improvement Project No. 4244 Entitled "Bicycle Master Plan Update" and Budget Appropriation of \$65,000 (Staff Contact: Jaime Rodriguez, 586-3335)**
- \* 13. **Approve and Authorize the City Manager to Execute a Hosting Agreement with the Silicon Valley Regional Interoperability Project (Staff Contact: Bill Marion, 586-2701)**
- \* 14. **Requesting Letter of Support from City Council for Grant Application Related to Coordinated Effort between the Milpitas Police and Fire Departments for Arson Investigations and Public Education Program (Staff Contacts: Patricia Joki, 586-3370, and Eric Emmanuele, 586-3383)**

**XVI. ORDINANCE**

- \* 15. **Adopt Ordinance No. 113.21 Adopting Specified Local Amendments of the 2007 Edition of the California Fire Code and Penalty Provisions (Staff Contact: Patricia Joki, 586-3370)**

**XVII. RESOLUTIONS**

- 16. **Adopt Resolution Approving Memorandum of Understanding with Milpitas Supervisors Association (MSA) (Staff Contact: Carmen Valdez, 586-3086)**
- 17. **Adopt Resolution Approving Extension of Memorandum of Understanding with Milpitas Police Officers Association (MPOA) (Staff Contact: Carmen Valdez, 586-3086)**
- 18. **Adopt Resolution Approving Extension of Memorandum of Understanding with International Association of Firefighters Local 1699 (IAFF) (Staff Contact: Carmen Valdez, 586-3086)**
- \* 19. **Adopt Resolution Granting Final Acceptance of the South Park Victoria Drive Pavement Rehabilitation, Project No. 4225 (Staff Contact: Andrew Brozyna, 586-3315)**
- \* 20. **Adopt Resolution Granting Final Acceptance of the 2006 Street Slurry Seal Project, Project No. 4229 (Staff Contact: Andrew Brozyna, 586-3315)**

**XVIII. BIDS AND CONTRACTS**

- \* 21. **Award the Bid for the Purchase of Vehicle Speed Feedback Signs to Fortel Traffic (Staff Contact: Chris Schroeder, 586-3161)**
- \* 22. **Approve Agreement with Telecommunications Engineering Associates for Maintenance and Support of the Public Safety Dispatch Center Telecommunications Center System (Staff Contact: Chris Schroeder, 586-3161)**
- \* 23. **Approve Change Order No. 1 to the Contract with T. Marshall Associates for Energy Efficiency Measures – Existing Lighting Retrofits (Staff Contact: Chris Schroeder, 586-3161)**

- \* 24. Authorize the City Engineer to Execute a Contract Change Order No. 2 to the Contract with Anderson Pacific Engineering Construction for the Main Sewage Pump Station, Project No. 6103 (Staff Contact: Greg Armendariz, 586-3317)

**XIX. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, DECEMBER 11, 2007 AT 7:00 P.M.**

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils 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 OF THE ORDINANCE,

CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: [mogaz@ci.milpitas.ca.gov](mailto:mogaz@ci.milpitas.ca.gov) / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), select Open Government Ordinance under News Features.

**BECOME A CITY COMMISSIONER!**

Currently, there are openings on the following Commissions:

*Arts Commission*

*Community Advisory Commission*

*Economic Development Commission (Hotel Rep)*

*Mobile Home Park Rental Review Board*

*Parks, Recreation and Cultural Resources Commission*

*Planning Commission*

*Recycling and Source Reduction Advisory Commission*

*Senior Advisory Commission*

Applications are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at the City Hall Information Desk. Contact the City Clerk's Office (586-3003) for more information.

## AGENDA REPORTS

### VII. PRESENTATIONS

#### Seventh Annual Neighborhood Beautification Awards:

**Building a Sense of Community Winner**

Pearl Zanker Elementary School

**Attractive Non-Residential Winner**

Hill Crest Center

**Staff Choice Award Winner**

76 La Crosse Drive

#### **Central Area**

**Attractive Residential Winner**

655 Corinthia Drive

**Attractive Residential Nominees**

1489 Fountainbleu Avenue

846 Kizer Street

**Attractive Multi-Family Units Winner**

60 Wilson Way#173 –Pioneer Mobile Home Park

**Attractive Homeowners Associations Winner**

210 Edgewater Drive- Beresford Meadows

**Attractive Homeowners Associations Nominee**

971 Sandalridge Court – Foothill Square

#### **Hillside Area**

**Attractive Residential Winner**

2260 N. Park Victoria Drive

**Attractive Residential Nominees**

1133 N. Park Victoria Drive

2237 N. Park Victoria Drive

**Attractive Homeowners Association Winner**

1855 St. Andrews Court – Summit Pointe

#### **East Valley Floor Area**

**Attractive Residential Winner**

2216 Shiloh Avenue

**Attractive Residential Nominee**

517 Topham Court

**Attractive Multi-Family Units Winner**

389 and 391 Lynn Avenue

**Attractive Homeowners Associations Winner**

190 Ayer Lane – Cross Point

**West Area**

**Attractive Residential Winner**

1267 Sunrise Way

**Attractive Multi-Family Units Winner**

1686 Starlite Drive

**Attractive Homeowners Association Winner**

1233 Moonlight Way

**XIII. PUBLIC HEARINGS**

- 1. Approve Fire Department Fee Schedule Adjustments (Staff Contact: Patricia Joki, 586-3370)**

**Background:** At the November 6<sup>th</sup> Council meeting, Council opened the public hearing. Staff requests the public hearing be continued until the December 11 Council meeting to allow staff to present the proposed adjustments to the Chamber of Commerce at its meeting on December 6<sup>th</sup>.

**Fiscal Impact:** With adoption of the revised fee schedule, there will be an increase in revenue proportionate to the cost recovery for the service provided.

**Recommendation:** Continue public hearing until December 11, 2007.

- 2. Find the Conversion Impact Report for the Main Street Mobile Home and RV Park in Compliance with Title XI of Chapter 20 of the Milpitas Municipal Code (Staff Contact: Felix Reliford, 586-3071)**

**Background:** Trammell Crow Residential is in contract to purchase the Main Street Mobile Home & RV Park located at 1504 South Main Street and seeks to convert the Park for a proposed new housing project.

Title XI of Chapter 20 of the Milpitas Municipal Code (MMC XI-20) “Conversion of Mobile Home Park to Other Uses” provides the detailed regulatory process to convert a mobile home park to another use. A central document in this process is the Conversion Impact Report which contains, among other information, a relocation plan and assistance program for the mobile park residents. A Conversion Impact Report has been prepared for the Main Street Mobile Home & RV Park and has been included in the Council’s agenda packet for review. Also included in packet are letters from Trammel Crow Residential, Nave Consulting, copies of public notices, the Planning Commission meeting minutes of 10/24/07, Milpitas Municipal Code XI-20, and a summary of the conversion process.

The City Council should make one of the following findings on the Conversion Impact Report:

- a. That the conversion impact report complies with the requirements of MMC XI-20.
- b. That the Conversion Impact Report does not comply with one or more requirements of MMC XI-20. In such instance, the City Council shall indicate in which respects the report does not comply with such requirements.

Staff is recommending that the City Council find the Conversion Impact report in compliance with MMC XI-20 because the report meets all the requirements for providing relocation

assistance, properly informing residents through compliance with required notice and hearing procedures, and detailing such assistance.

**Fiscal Impact:** None

**Recommendations:**

- 1) Open the public hearing for comments; and, move to close the public hearing.
  - 2) Move to find that the Conversion Impact Report for the Main Street Mobile Home & RV Park complies with all of the requirements of Title XI of Chapter 20 of the Milpitas Municipal Code.
3. **Waive the First Reading Beyond the Title and Introduce Ordinance No. 65.136 Amending Building Code Administration, Adopt and Amend by Reference the 2007 Editions of the California Building Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Historical Building Code and California Existing Building Code; Adopt by Reference the 2006 Edition of the International Existing Building Code Appendix Chapters A2, A3, A4 and A5 (Staff Contact: Keyvan Irannejad, 586-3244)**

**Background: Building Code Administration:** Administration is an important part of the technical building codes. The City of Milpitas has consolidated the administrative provisions of all the codes into this one document. Most of the administrative provisions of each of the individual codes have been deleted. This document is modeled after the International Building Code as published by the International Code Council.

**California Building, Mechanical, Electrical, and Plumbing Code.** State law requires each California City and County to adopt state model building codes and referenced standards as listed above. Local jurisdictions are permitted to make amendments to the model codes that are reasonably necessary due to local climatic geological or topographical conditions. The Building Department has participated with most cities and counties in the East Bay, Peninsula and Monterey Chapters of the International Code Council (ICC), in the preparation of common code amendments. These amendments are found in the Building Code, the Plumbing Code, and the Electrical Code. The most significant amendments under proposal are found in Chapters 16, 18, 23 and 34 of the Building Code and are related to the design of buildings and structures to resist earthquake and wind forces. The State Building Codes, along with proposed local amendments, provide minimum standards for the design, construction material testing and installation of fire protection, exiting, structural, plumbing, mechanical and electrical systems for residential and non-residential buildings and related structures.

**California Existing Building Code and International Existing Building Code.** The California Existing Building Code, 2007 Edition and International Existing Building Code, 2006 Edition, is a state model building code and national building code that provide the technical means to encourage the continued use or reuse of legally existing buildings and structures by establishing minimum standards for change of occupancy and alteration or repair of existing buildings and structures.

**California Historical Building Code.** The California Historical Building Code, 2007 Edition is a state model building code that provides regulations for preservation, restoration, rehabilitation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

**Fiscal Impact:** None

**Recommendations:**

1. Open public hearing for comments; and, move to close the public hearing.
2. Adopt a Resolution citing findings of fact providing reasons for amendments to the California Building Code, the California Mechanical Code, the California Electrical

Code, the California Plumbing Code, California Historical Building Code and California Existing Building Code.

3. Waive the first reading beyond the title of Ordinance No. 65.136.
4. Introduce Ordinance Number 65.136 enacted as Chapter 1, Title II of the Milpitas Municipal Code revising provisions for Building Code Administration; Chapter 3, Title II of the Milpitas Municipal Code to adopt the 2007 Edition of the California Building Code; Chapter 5, Title II of the Milpitas Municipal Code to adopt the 2007 Edition of the California Mechanical Code; Chapter 6 of the Milpitas Municipal Code to adopt the 2007 Edition of the California Electrical Code; Chapter 7, Title II of the Milpitas Municipal Code to adopt the 2007 Edition of the California Plumbing Code; Chapter 14, Title II of the Milpitas Municipal Code to adopt the 2007 Edition of the California Historical Building Code; Chapter 15, Title II of the Milpitas Municipal Code to adopt the 2007 Edition of the California Existing Building Code and 2006 International Existing Building Code Appendixes A2, A3, A4 and A5.

### **XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Mayor/Chair**

**RA2. Roll Call**

**RA3. Approval of Minutes** (November 6, 2007)

**RA4. Approval of Agenda and Consent Calendar (Items with Asterisks\*)**

**\*RA5. Adopt Resolutions Granting Approval to Submit Grant Applications for Alviso Adobe Rehabilitation Project (Project No. 5055), Sports Center Large Gym Improvements (Project No. 8160), and Milpitas Senior Center (Project No. 8176) (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** The Alviso Adobe Rehabilitation Project (Project No. 5055), is included in the approved Capital Improvement Program (CIP). The improvements provide for new park improvements and restoration of the historic Alviso Adobe building. This project meets the eligibility requirements for two competitive foundation grants; the Kresge Foundation Grant, and the American Historical and Cultural Organizational Implementation Grant. The Kresge Foundation Grant provides funding for construction and renovation of facilities, and the purchase of major equipment. If successful, a grant amount of up to \$600,000 could be awarded by the Kresge Foundation with 50% matching funds by the City. The American Historical and Cultural Organizational Implementation Grant provides funding support for historic places. If successful, a grant amount of up to \$400,000 could be awarded by the Historical and Cultural Organization. In addition, since a parking strategy for the site has been approved the project also qualifies to reapply for the Historical Heritage Grant. This grant is offered by the Santa Clara County Park Charter. Staff requests approval to submit applications for all three of these grants for the Alviso Adobe Project.

The Milpitas Sports Center Gym Improvements (Project No. 8160) is included in the approved CIP. The improvements involve reconstruction of the gym flooring, adding an air-conditioning system and other gym related improvements. Staff has identified a Federal Emergency Management Agency's (FEMA) 2008 Pre-Disaster Mitigation (PDM) Grant Program, that would fund structural evaluation, analysis and engineering design and infrastructure improvements (if required) to upgrade existing facilities to an Emergency level care and shelter facility. These improvements will allow the building to meet acceptable building code requirements for an Emergency Care and Shelter facility. Once the gym meets acceptable code standards, the City can then declare it as an official Emergency Care and shelter facility. The FEMA PDM Grant Program is a competitive grant with state agencies, local government agencies, and tribal governments vying for approximately \$255 million in available funds. If successful, a grant

amount of up to \$3,000,000 could be awarded by FEMA with a cost-share of 75% Federal funds and 25% local funds.

The Milpitas Senior Center (Project No. 8176) is included in the approved CIP. This project provides for the design and construction of a new Senior Center by remodeling the existing library building. The Senior Center Project meets the eligibility requirements for two competitive foundation grants, the Gellert Foundation Grant and the Hale Foundation Grant. If successful, grant awards of up to \$25,000 could be awarded by each of these foundations. Staff requests approval to submit applications for both of these grants for the Senior Center. Staff is continuing to pursue additional grants for the Senior Center project.

**Fiscal Impact:** None, these grants would provide the additional funding needed for these projects.

**Recommendations:**

1. Adopt a Resolution granting approval to submit grant applications to Kresge Foundation, the American Historical and Cultural Organization, and the Santa Clara County Park Charter for the Alviso Adobe Project No. 8055.
2. Adopt a Resolution granting approval to submit grant applications to the Federal Emergency Management Agency (FEMA) for the 2008 Pre-Disaster Mitigation Grant Program for the Milpitas Sports Center Large Gym Project No. 8160.
3. Adopt a Resolution granting approval to submit grant applications to the Gellert and Hale Foundations, for the Milpitas Senior Center Project No. 8176.

**\*RA6. Approve Certificate of Completion for Certain Residential Units within Tract No. 9697 for KB Home, Project No. 3160 (Staff Contact: Robert Wang, 586-3327)**

**Background:** On January 18, 2005, the City of Milpitas Redevelopment Agency and KB Home South Bay, Inc., entered into a Disposition and Development Agreement (DDA) concerning the residential development, Terra Serena, north and east of South Abel Street. The recorded grant deed, which conveyed the subject real property from the Agency to KB Home, requires that the Redevelopment Agency issue a Certificate of Completion upon the completion of the infrastructure improvements in accordance with the DDA. Certain improvements have been satisfactorily completed to serve certain residential units as shown on the attached Certificate of Completion, and therefore certificate of completion may be granted to only those housing units.

**Recommendation:** Authorize the Agency Executive Director to execute this Certificate of Completion, pertaining to certain residential units (described on the Certificate of Completion document), for KB Home Terra Serena Project No. 3160, subject to approval of the City Attorney as to form.

**\*RA7. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for the Sports Center Large Gymnasium Improvements, Project No. 8160 (Staff Contact: Andrew Brozyna, 586-3315)**

**Background:** This project provides for necessary maintenance to the Milpitas Sports Center's large gym. This project includes replacing the gymnasium floor and support structure, installation of new bleachers, replacement of basketball backboards, painting, installation of air-conditioning and related insulation, and safety padding of gymnasium walls.

A copy of the project plan title sheet is included in the Council's agenda packet. Complete plans and specifications are available for review in the office of the City Engineer.

**Fiscal Impact:** The Engineer's estimated construction cost for the work is approximately \$940,000. It is anticipated that a budget appropriation may be required to award this project for construction.

**Recommendation:** Approve plans and specifications, and authorize advertisement for bid proposals for the Sports Center Large Gymnasium Improvements, Project No. 8160.

**RA8. Agency Adjournment**

**XIV. REPORTS OF OFFICER AND SUBCOMMITTEE**

**City Council**

- \* 4. **Consider Two Requests for Donations from City Funds to Milpitas Kiwanis for Winter Child Spree and to Milpitas High School Robotics Team (Contact: Mayor Esteves, 586-3029)**

**Background:** Over the past two months, Mayor Esteves received two requests from community organizations for donations of funds from the City.

1) The Milpitas Kiwanis Club requests \$1,500 toward its Winter Spree program with Mervyn's. In past years, Kiwanis sought a donation from the City Council for the annual back-to-school Child Spree program in August. Meanwhile, this year's winter time effort is geared toward helping low-income children to obtain winter coats, in particular, and the Kiwanis chose to request from the City Council at this time rather than last summer.

2) Milpitas High School Student Robotics Team is working to raise enough funds to participate in the FIRST (For Inspiration and Recognition in Science and Technology) robotics competition. The club requests a donation from the City Council again this year, as it has done for the past four years.

City Council Finance Subcommittee considered these donation requests on November 14 and recommended that the City Council approve both.

**Fiscal Impact:** Two \$1,500 donations would reduce the City Council's Community Promotions Unallocated budget by \$3,000, leaving a balance of \$6,500 for the Fiscal Year 2007-08.

**Recommendation:** Consider the recommendation from the Finance Subcommittee. Vote on Mayor's recommendation to authorize a donation of funds to two groups: a \$1,500 donation to the Milpitas Kiwanis Club and \$1,500 to the Milpitas High School Robotics Club.

5. **Consider Request to Adopt New Policy to Ban Use of Bottled Water by the City of Milpitas (Contact: Mayor Esteves, 586-3029)**

**Background:** Mayor Esteves requests that the City Council discuss the possibility of adopting a policy to ban the purchase and use of bottled water products by the City of Milpitas.

**Recommendation:** Discuss the Mayor's recommendation. Direct City staff to return to the Council with a report of all implications, costs associated, and other relevant facts.

6. **Consider Request to Adopt Three Green Building Related Policies for the City of Milpitas (Contact: Mayor Esteves, 586-3029)**

**Background:** Mayor Esteves received a request from the Santa Clara County Cities Association asking all cities within the county to adopt the following three Near-Term Building Policy Recommendations from the Green Building Collaborative:

1. Local governments should formally recognize and adopt the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) rating system and Build It Green's GreenPoint Rated system (Residential) as the official green building standards for their jurisdictions.

2. As part of the planning application, require the submittal of a completed LEED or GreenPoint Rated checklist. This recommendation does not require the applicant to adopt green building practices, but requires a completed checklist for the project (data collection).
3. Local governments should adopt a policy for achieving LEED Silver certification or better for all public new construction and renovation projects over 5,000 square feet.

**Recommendation:** Discuss the SCCCA request and direct staff accordingly.

- \* 7. **Consider Mayor's Recommendation for Re-Appointment to the Recycling and Source Reduction Advisory Commission (Contact: Mayor Esteves, 586-3029)**

**Background:** Mayor Esteves recommends the following Milpitas resident be re-appointed:

**Recycling and Source Reduction Advisory Commission:**

Re-appoint Marsha Tran as Alternate No. 1 to a term that expires in October 2009.

**Fiscal Impact:** None

**Recommendation:** Follow Mayor's recommendations for Commission re-appointment and vote on appointment.

### **Transportation Subcommittee**

8. **Approve the Transportation Subcommittee's Recommendation for Appointment of Councilmember(s) to the Valley Transportation Authority Board of Directors and Policy Advisory Committee, and to the Santa Clara County Expressway Study Policy Advisory Board (Staff Contact: Janice Spuller, 586-3291)**

**Background:** The Santa Clara Valley Transportation Authority (VTA) Board of Directors Group 4 represents Milpitas, Gilroy and Morgan Hill (MGM) cities. Seats on the Board of Directors rotate every two years. In January 2008, Gilroy will have a seat on the VTA Board and Milpitas will hold an alternate seat, in the event the Gilroy representative is unable to attend. The City of Milpitas will be seated on the VTA Board in 2010. A proposal by the MGM group in response to VTA restructuring is to continue with Morgan Hill representing Group 4, with the understanding that Milpitas would be seated on the Board in 2010. VTA Board meets the first Thursday of the month at 5:30 pm. The MGM group of cities currently meets regularly on the Tuesday before the VTA Board meeting.

On November 13, the City Council's Transportation Subcommittee discussed representation on the MGM group and the future VTA Board Alternate seat. The Subcommittee recommends Mayor Esteves and Councilmember Gomez serve, and those Councilmembers offered to attend on alternate meeting months.

The next two bodies also seek a Milpitas representative. The Subcommittee determined that these are open for discussion and vote by the full City Council with regard to appointment.

The City of Milpitas currently has a vacant seat on the VTA Policy Advisory Committee. This Committee meets the second Thursday of the month at 4:00 pm at VTA offices located at 3331 North First Street in San Jose.

Santa Clara County's Expressway Study Policy Advisory Board is regrouping to provide policy input from elected officials for updating the Expressway Study's Implementation Plan adopted in August 2003. The County requests a member from the Milpitas City Council to serve. The first meeting is tentatively set for Wednesday, January 30, 2008 at 5:30 pm.

**Fiscal Impact:** There is no fiscal impact.

**Recommendations:** (1) Approve the City Council Transportation Subcommittee's Recommendation for Appointment of Councilmembers (Mayor Esteves and Councilmember Gomez) to the Valley Transportation Authority Board of Directors. (2) Discuss and seek recommendation for and appointment of Councilmember(s) to the VTA Policy Advisory Committee and the Santa Clara County Expressway Study Policy Advisory Board.

- \* 9. **Approve and Authorize Staff to Submit a List of Projects for Inclusion into the Valley Transportation Authority's – Valley Transportation Plan 2035 (VTA VTP 2035) Update (Staff Contact: Greg Armendariz, 586-3335)**

**Background:** Every three years, the City submits a list of preferred transportation projects to be included in the VTA's Valley Transportation Plan. The plan serves as a 30-year road map for the implementation of regional transportation impacts as funding from the State Transportation Improvement Plan (STIP) becomes available.

At the September 3, 2003 meeting, City Council approved projects for Local Streets & County Road element of the VTP. Below is a list of projects and a short description suggested for inclusion in the VTP 2035 update.

#### Local Streets and County Roads Element

##### Calaveras Boulevard Widening

This project provides for the widening of Calaveras Blvd between Milpitas Blvd and Abel St from 4-lanes to 6-lanes including the replacement of bridge structures of N Main St and the Union Pacific Railroad tracks including sidewalk and bike lane improvements. Auxiliary lanes and bike lane improvements between Abel Street and I-880 will also be considered. A Project Study Report for implementation of this project is currently under development in partnership with the VTA and Caltrans. **Project cost - \$75 million.**

##### Montague Exp/Great Mall Pkwy-Capitol Ave Grade Separation

This intersection has been operating at congested levels of service "F" since 1991. Grade separation of the Great Mall Pkwy-Capitol Ave through lanes over Montague Exp would greatly enhance capacity and maintain compatibility with the existing elevated light rail structure and future BART alignment. There is currently no implementation plan for this project. **Project cost - \$60 million.**

##### Dixon Landing Rd/Milpitas Blvd Intersection Improvements

This project provides for an additional northbound left turn lane, a southbound right turn lane, and an eastbound right turn lane at the Dixon Landing Rd & Milpitas Blvd intersection. Although no implementation plan is currently in place, the City works with development in the area to obtain the necessary right-of-way required to implement the project. **Project cost - \$1.0 million** (\$105,000 available from Developer Fees).

##### Dixon Landing Road Widening

This project provides for the widening of Dixon Landing Rd from 4-lanes to 6-lanes from I-880 to Milpitas Blvd including enhanced bike lane pedestrian facilities. Partial implementation of this project may occur with the implementation of the BART alignment. **Project cost - \$60 million.**

#### Systems Operations Management/Intelligent Transportation Systems Element

##### SOMS-ITS South Milpitas Boulevard Smart Corridor

This project provides for the installation of fiber optic cables and traffic management elements including surveillance cameras, traffic data collection equipment, and advanced traffic signal controllers between the Data Center at Public Works and Montague Exp allowing for future connection to the Milpitas Blvd Extension planned in the Transit Area Specific Plan project. **Project cost - \$1.0 million.**

SOMS/ITS –Traffic Signal System Upgrade

This Citywide project will replace aging Traffic Signal Controllers with new Controllers that offer more advanced signal timing features to help in reducing traffic congestion. Test of new traffic signal controllers is currently underway. **Project Cost - \$0.5 million.**

Pavement Management Element

S Park Victoria Dr Resurfacing - Phase II

This project will allow for the repaving of S Park Victoria Dr between Yosemite Dr to Big Basin Dr and includes the inclusion of new bike lanes. Phase I between Calaveras Blvd and Yosemite Dr was completed in Summer 2006. **Project cost - \$1.0 million.**

Sound Mitigation Element (Soundwalls)

The following locations will be listed as areas in need of soundwall remediation:

- NB I-880 from Montague Exp On-ramp to the Great Mall Pkwy Exit
- SB I-880 from Eastbound SR237 to Tasman Dr
- NB I880 from Westbound SR237 to Dixon Landing Rd
- SB I-680 from Jacklin Rd to the Southern City Limits
- NB I680 from SR237 to the Northern City Limits
- NB I-680 from the Landess Av/Montague Exp On-ramp to SR237

Landscape Restoration & Graffiti Removal

N Milpitas Blvd & Escuela Pkwy Graffiti Removal

This project provides for graffiti removal remediation through the installation of landscaping along Milpitas Blvd between Jacklin Rd and Escuela Pkwy and on Escuela Prkwy between Milpitas Blvd and Tramway Dr. **Approximate cost- \$0.5 million.**

On November 13, 2007, the Transportation Subcommittee discussed these projects and unanimously approved the staff recommendation for consideration to the City Council.

**Fiscal Impact:** There is no fiscal impact to recommend the listing of these projects in the VTP2035. As competitive funding for each individual project is pursued, the necessary local match for each project will be required if funding is granted. Portions of the local match could be provided by developers as traffic impact fees.

**Recommendation:** Approve and authorize staff to submit a list of projects for inclusion into the Valley Transportation Authority's – Valley Transportation Plan (VTA VTP 2035) Update.

**XVI. NEW BUSINESS**

**10. Discussion of Strategic Plan Program (Staff Contact: Tom Williams, 586-3050)**

**Background:** The City is in a long term era of both residential and commercial growth. This growth has subsequent dual impacts of (1) higher service demands and (2) higher anticipated revenue. As a result of this growth, the City will realize annual increases in future operating budgets as well as resident and daytime population. The opportunity exists to determine future investment in the City's operational programs and capital projects to meet current and future community needs tied to this growth. The concept of developing a Strategic Plan is to:

- Allow for identification of needs and objectives;
- Assess and define the City's level of service standards (LOS) or the scope of core services;
- Prioritization for operational and capital programs/projects given fiscal realities.

City management staff identified a series of objectives for commencement of a strategic plan discussion with the City Council. The strategic plan format that is recommended would include identification of objectives supported by a number of goals. These goals would then be supported by a series of tasks that need to be accomplished in order to achieve the goal and ultimately the stated objective.

Primary objectives generated by staff for discussion with the City Council include (1) fiscal health; (2) maintaining a high quality of life; and (3) governmental efficiency.

Fiscal Impact: Project funded through current general fund proceeds and as such, has no fiscal impact.

Recommendation: Discuss first phase of strategic plan development and provide direction to staff.

**11. Review Industrial Land Analysis Report and Provide Staff with Policy Direction (Staff Contacts: Diana Whitecar, 586-3059, Joe Oliva, 586-3290, and Sheldon Ah Sing, 586-3275)**

Background: Staff presented an overview of the City's Economic Development program at the September 18, 2007 City Council meeting. At that time, the Council asked that information on the Industrial Land Use analysis be brought back for review and consideration.

With the support of the Economic Development Commission, staff initiated an Industrial Land Use analysis to determine the impact of industrial land use conversion to non-revenue generating uses, such as service providers and religious organizations. These changes occurred even as the Milpitas experienced rapid residential growth during the economic slowdown in late 2001. Recently, the industrial sector building began to show signs of rejuvenation. The adoption of the Midtown Specific Plan in 2002 and the strong residential market led to the approval and construction of multi-family housing in Midtown Milpitas, most notably KB Home Terra Serena, Centria, Paragon and the Matteson project on South Main Street. In addition to the Midtown development, the City initiated the Milpitas Transit Area Specific Plan that will rezone industrial land for high-density residential development surrounding the future Milpitas BART station.

The Conley Consulting Group (CCG) was retained to perform an industrial land inventory and analysis of future industrial land requirements. They identified 10 industrial districts throughout the City and 728 businesses located within those districts. A total of 18 businesses (2.4 percent) were found to be non-revenue generating entities. This percent is considerably less than anticipated and staff realized that while the conversions did not utilize a substantial percentage of space, the location of some of the conversions could still compromise future industrial growth. For example, one business within the Fleming Business Park at Montague Expressway noted that the location of a church at the entry of the Park does not convey a business park setting to visitors and customers of the businesses. They also expressed concern about movement of trucks in and out of the Park with a heavier pedestrian presence than the church creates.

Based on these concerns and on ABAG job projections, Conley and staff developed recommendations on how to retain industrial land use for future business development. These recommendations, summarized below, were supported by the Economic Development Commission and vetted to the public in a series of meetings in July and August. The Commission favored using policies such as Industrial Overlays to protect industrial land as well as tightening up the Conditional Use Permit (CUP) process for non-industrial uses in the industrial zones. These concepts include:

- 1. Industrial Compatibility Overlay Zones** – an overlay zone could be placed on industrial areas within the City to protect them from uses that are not compatible with the surrounding uses. These overlays could be specific in relation to use, design guidelines and other standards. Overlay Districts should be placed in stable industrial areas that are not in transition and have adequate infrastructure in place (or planned) to accommodate the restricted uses. It was

recommended that an Overlay Zone be in place for the three Core Industrial Areas described below.

2. **Conditional Use Permit (CUP) Revisions** – the Zoning Ordinance specifies uses within zoning districts that are permitted or conditional. Conditional uses generally have to have Use Permits approved by the City Planning Commission with findings and special conditions. The findings made by City Staff include conformance with the Zoning District/General Plan, parking, compatibility with surrounding uses and other related issues. Conditional uses could be restricted or significantly limited by zoning text changes to the Zoning Ordinance. Currently, CUPs run with the land and is not time restricted.
3. **General Plan Text Amendments** - the Land Use Element of the General Plan contains several guiding policies governing the development. Policies relating to Growth and Expansion, Economic Development and Jobs/Housing relationship could be added to reflect the protection of industrial land for revenue generating uses.

Three of the ten industrial districts identified were designated as “Core” Industrial Areas for Overlay application. These three districts are:

1. **Industrial District # 1** – This is a Heavy Industrial (M2) district with modified boundaries that include Los Coches Street to the north, Montague Expressway to the south (with the exception of the Piper/Montague Subarea), Interstate 680 to the east and the to the railroad track to the west. This industrial district is comprised of Class A warehouse space, Class A&B R&D/Office space and industrial inventory that is mostly functional. This area is a key resource for insuring distribution and goods movement is close to future growth and residential consumers. Major employers include Fleming Foods, Adaptec, Lifescan and Seagate. This district is mostly built out with some parcels under-developed with limited functionality.
2. **Industrial District # 3** – This is a Light Industrial (M1) and Industrial Park (MP) zoning district bounded on the north by State Route 237, the south by Montague Expressway, Interstate 880 to the east and Coyote Creek to the west. This area is commonly referred to as the Oak Creek and Milpitas Business Parks. The Oak Creek Business Park (south of Tasman Drive) is mostly comprised of Class B R&D/Office buildings and the Milpitas Business Park is comprised of Class A & B R&D/Office buildings. Major corporations include Cisco Systems, San Disk, KLA-Tencor, LSI Corporation and Linear Technology. This district is mostly built out.
3. **Industrial District # 5** – This MP district is bounded by Dixon Landing Road to the north, State Route 237 to the south, Interstate 880 to the east and the Coyote Creek to the west and is commonly referred to as the McCarthy Business Park. This the newest Business Park in Milpitas and is comprised of Class A R&D/Office buildings. Cisco Systems just leased the former Veritas campus and will be occupying these buildings mid 2008. There are currently 81 acres of vacant industrial land in this district.

Three Community/Property Stakeholder meetings were held in July and August 2007. The proposed restrictions in the industrial zones were questioned by industrial property owners and by community representatives, especially the use of an Overlay Zone. Based on the community responses, staff realized that more research was needed to determine what other options were available to discourage conversions that would still provide latitude to consider project proposals based on individual merit.

#### ABAG Projections

ABAG Projections 2007 forecast an increase in industrial jobs in Milpitas of 4,780 between 2005 and 2035, a reduction of industrial job growth from past years. The future need for industrial land also considered the removal of approximately 180 acres of industrial zoned land as part of rezoning to residential in the Transit Area Specific Plan. Staff calculated the

City would require between 148 and 187 acres (based on an FAR range of 0.35 to 0.50 for R&D) of industrial zoned land to accommodate future job growth. This is critical to maintain an equitable jobs/housing balance and insure the City's competitiveness in Santa Clara County for economic stability and fiscal health.

According to the ABAG Projections 2007, Milpitas has 26,070 Employed Residents and a total of 47,860 jobs. Our Jobs/Employed Residents ratio is therefore 1.83 (47,650/26,070). This is a very strong ratio showing that the City remains a strong employment sector and changes to the Industrial Policies are intended to retain this strong ratio and not become too much of a bedroom community to other cities employment centers.

Vacancy Rates

Vacancy rates have dropped as the economy gains strength. According to Colliers International, vacancy rates for Research and Development (R&D) reached a high of 28% at the end of 2004. Since that time, vacancy rates have steadily decreased, and as of May 2007, the overall industrial vacancy rate in Milpitas is approximately 18 percent (Colliers International). Vacancy rates varied considerably ranging between 1% for industrial to 19% for Research and Development (R&D).

Recommendations: Staff recommends that the City Council direct staff to evaluate opportunities to increase existing industrial land densities and to develop criteria that will assist in the retention of remaining vacant land to sustain the City's current jobs/housing ratio. If so directed, these recommendations will be developed consistent with the established land use planning process with the Planning Commission acting on the recommendations prior to the City Council consideration.

Fiscal Impact: Providing direction on the Land Use Analysis has no immediate fiscal impact.

Recommendation: Provide direction to the staff on recommendations of the Industrial Land Use analysis.

- \* 12. **Approve New Capital Improvement Project No. 4244 Entitled "Bicycle Master Plan Update" and Budget Appropriation of \$65,000 (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: The City submitted a grant proposal to the Metropolitan Transportation Commission (MTC) for the allocation of fiscal year 2007-08 Transportation Development Act (TDA) – Article 3 funding on April 24, 2007 for funds to update the Milpitas Bikeway Master Plan and System Map from the 2003 versions.

Staff is recommending a new Capital Improvement Project to be reimbursed by the above grant. Costs include contractual services for a transportation planning and/or traffic engineer to implement the plan update. The Finance Subcommittee reviewed and recommended this project at the November 14, 2007 meeting.

Fiscal Impact: Funds reimbursable through the Transportation Development Act Grant.

Recommendations:

1. As recommended by the Finance Subcommittee, approve a new Capital Improvement Project entitled "Bicycle Master Plan Update."
2. Approve a budget appropriation of \$65,000.

- \* 13. **Approve and Authorize the City Manager to Execute a Hosting Agreement with the Silicon Valley Regional Interoperability Project (Staff Contact: Bill Marion, 586-2701)**

Background: The Silicon Valley Regional Interoperability Project (SVRIP) is a consortium of public safety agencies in Santa Clara County that is providing proof on concept on several new

technologies to provide better interoperability between agencies. This effort is funded by a Department of Homeland Security grant and has demonstrated several innovative pilot projects. One of these projects is the Regional Interoperability Information Broker or RIIB. The RIIB allows the emergency dispatch systems of multiple agencies to be linked in order more rapidly exchange information. This would allow multiple-jurisdiction incidents to be managed electronically and provides a regional view of all public safety resources and active incidents. The City of Milpitas in addition to the City of San Jose and the County of Santa Clara were selected as the first three agencies to pilot this technology. City staff was deeply involved in the initial implementation and the City was chosen to “host” the RIIB server in the City’s Data Center. The demonstration period of the project is now complete and the SVRIP Board has asked the City to continue to host the server and to provide additional technical support on a time and materials basis.

The proposed agreement includes a schedule of fees as well as provisions for the City or the SVRIP to terminate the agreement. As City staff already support the Dispatch Center systems, hosting the RIIB can be accomplished with existing resources.

**Fiscal Impact:** This agreement will generate approximately \$4,800 per year in revenue. Additional revenue may be realized from time and materials services as requested by the SVRIP.

**Recommendation:** Authorize the City Manager execute an agreement with the Silicon Valley Regional Interoperability Project for hosting services, subject to approval as to form by the City Attorney.

\* **14. Requesting Letter of Support from City Council for Grant Application Related to Coordinated Effort between the Milpitas Police and Fire Departments for Arson Investigations and Public Education Program (Staff Contacts: Patricia Joki, 586-3370)**

**Background:** The fire department is seeking a grant from FEMA’s Fire Prevention and Safety program to assist with a pilot program to explore improvements in fire safety education, juvenile fire setter deterrence and arson investigation programs.

If awarded, grant funds would be used to partner with Milpitas Unified School District to develop fire safety education programs, to further support regional juvenile fire setter deterrence programs and incorporate the use of the County’s new crime lab in the investigation of arson fires.

**Fiscal Impact:** None.

**Recommendation:** Authorize letter from the City Council signed by the Mayor in support of the grant application.

**XVI. ORDINANCE**

\* **15. Adopt Ordinance No. 113.21 Adopting Specified Local Amendments of the 2007 Edition of the California Fire Code and Penalty Provisions (Staff Contact: Patricia Joki, 586-3370)**

**Background:** At the November 6, 2007 Council meeting , Ordinance No.113.21 was introduced along with a resolution for fire department penalty fees.

Ordinance No. 113.21 amends the California Fire Code to include existing local requirements for hazardous material and toxic gas storage and use; and, fire safety provisions to lower the threshold for requiring fire sprinklers in new and existing developments, standards for the wildland-urban interface fire area; and, administrative requirements. The amendments are consistent with surrounding fire agencies and are necessary to maintain existing regulations in effect. Penalty provisions are necessary to treat serious health and safety violations as misdemeanors.

Included in the Council's packet is a copy of the new fire code.

**Fiscal Impact:** None

**Recommendations:**

1. Waive the second reading of Ordinance No. 113.21, adopting specified local amendments of the 2007 Edition of the California Fire Code and penalty Provisions.
2. Adopt Ordinance No. 113.21.

**XVIII. RESOLUTIONS**

**16. Adopt Resolution Approving Memorandum of Understanding with Milpitas Supervisors Association (MSA) (Staff Contact: Carmen Valdez, 586-3086)**

**Background:** The most recent Memorandum of Understanding with the Milpitas Supervisors Association (MSA) expired on December 31, 2006. City representatives and representatives from MSA met and conferred in good faith to negotiate a new contract. Agreement has been reached with a new successor Memorandum of Understanding with effective dates of January 1, 2007 to December 31, 2009, which is included in the Council's agenda packet.

**Fiscal Impact:** There is a 7.55% increase over 36 months for a cost of \$145,629.

**Recommendation:** Adopt a resolution approving the Memorandum of Understanding with the Milpitas Supervisors Association (MSA) covering the period of January 1, 2007 through December 31, 2009.

**17. Adopt Resolution Approving Extension of Memorandum of Understanding with Milpitas Police Officers Association (MPOA) (Staff Contact: Carmen Valdez, 586-3086)**

**Background:** The most recent Memorandum of Understanding with the Milpitas Police Officers' Association (MPOA) will be expiring on December 31, 2007. City representatives and representatives from MPOA met and conferred in good faith to negotiate a new one year contract. Agreement has been reached to amend the current Memorandum of Understanding with effective dates of January 1, 2008 to December 31, 2008. A copy of the recommended Side Letter and Exhibit "A" is included in the City Council agenda packet.

**Fiscal Impact:** One year impact is \$464,131 for a 3% wage increase effective January 1, 2008.

**Recommendation:** Adopt a Resolution to amend the current Memorandum of Understanding between the City of Milpitas and the Milpitas Police Officers Association (MPOA) to reflect the changes defined in the Side Letter dated November 19, 2007, and to extend the MOU through December 31, 2008.

**18. Adopt Resolution Approving Extension of Memorandum of Understanding with International Association of Firefighters Local 1699 (IAFF) (Staff Contact: Carmen Valdez, 586-3086)**

**Background:** The most recent Memorandum of Understanding with the International Association of Firefighters Local 1699 (IAFF) will be expiring on December 31, 2007. City representatives and representatives from IAFF met and conferred in good faith to negotiate a new one year contract. Agreement has been reached to amend the current Memorandum of Understanding with effective dates of January 1, 2008 to December 31, 2008. A copy of the recommended Side Letter, Cost Analysis and Exhibit "A" is included in the City Council agenda packet.

**Fiscal Impact:** One year impact is \$255,384 for a 3% wage increase effective the first full pay period in January.

**Recommendation:** Adopt a Resolution to amend the current Memorandum of Understanding between the City of Milpitas and the International Association of Firefighters Local 1699 (IAFF) to reflect the changes defined in the Side Letter dated November 8, 2007, and to extend the MOU through December 31, 2008.

- \* 19. **Adopt Resolution Granting Final Acceptance of the South Park Victoria Drive Pavement Rehabilitation, Project No. 4225 (Staff Contact: Andrew Brozyna, 586-3315)**

**Background:** This project, which was initially accepted on November 21, 2006, has passed the one-year warranty period. A satisfactory final inspection has been made of the public improvements that include rubberized asphalt concrete overlay, localized full depth asphalt concrete repairs, cold planning, replacement of traffic detector loops, and installation of Americans with Disabilities Act compliant sidewalk ramps.

**Recommendation:** Adopt a resolution granting final acceptance and release of the bond for the South Park Victoria Drive Pavement Rehabilitation, Project No. 4225.

- \* 20. **Adopt Resolution Granting Final Acceptance of the 2006 Street Slurry Seal Project, Project No. 4229 (Staff Contact: Andrew Brozyna, 586-3315)**

**Background:** This project, which was initially accepted on November 21, 2006, has passed the one-year warranty period. A satisfactory final inspection has been made of the public improvements that include repairing street base failures, placing slurry seal, and installing pavement delineation on various residential streets.

**Recommendation:** Adopt a resolution granting final acceptance and release of the bond for the 2006 Street Slurry Seal Project, Project No. 4229.

**XVIII. BIDS AND CONTRACTS**

- \* 21. **Award the Bid for the Purchase of Vehicle Speed Feedback Signs to Fortel Traffic (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** Purchasing worked with Traffic Engineering to develop the bid package for the purchase of six (6) vehicle speed feedback (radar) signs. On October 5, 2007 bids were sent to nine (9) vendors through out the US and Canada on Purchasing's bidders list. In addition, the bid was advertised in the local newspaper, on the City website, and in The Blue Book.

Eight bids were received and are summarized below:

<b><u>Bidder</u></b>	<b><u>Total Bid</u></b>
Fortel Traffic, Inc.	\$35,073.00
International Road Dynamics*	\$35,073.00
Unalted-Dorman Varitext	\$35,209.28
Intuitive Control Systems LLC	\$37,299.08
Western Pacific Signal	\$44,802.51
Speed Check	\$44,622.14
Decatur Electronics*	\$14,901.38
National Signal	\$77,940.00

\*In the case of a tie bid the award would go to the local company, but in this case neither company was local and International Road Dynamics did not meet the minimum bid specifications.

**Fiscal Impact:** Bids came in significantly lower than anticipated thus leaving enough funding in the budget to purchase one additional unit, for a total of seven units; bringing the total cost to

\$40,918.50. Funding for this purchase is available from Capital Improvement Project No. 4240, Clean & Safe Streets.

**Recommendation:** Award the bid for Vehicle Speed Feedback Signs to Fortel Traffic, Inc. for the not-to-exceed amount of \$40,918.50 including sales tax.

- \* 22. **Approve Agreement with Telecommunications Engineering Associates for Maintenance and Support of the Public Safety Dispatch Center Telecommunications Center System (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** Telecommunications Engineering Associates (TEA) was the manufacturer's recommended installer who provided installation services for the telephone and radio communication systems during the Dispatch Center remodel in 2002. In 2004, TEA also worked on the Enhanced Public Safety Capital Improvement Program (CIP 3389) to upgrade those same telephone and radio communication systems in the Dispatch Center. The Telecommunications Commission has recommended that the City continue to support its current Public Safety radio infrastructure and provide for its ongoing maintenance. TEA designed and installed all of these systems for the Dispatch Center and been providing maintenance and repair of the systems. The company's intimate knowledge of the design and installation of the existing public safety communication system and ability to integrate any new equipment makes it the most logical choice to continue to provide ongoing maintenance and repair of the system.

The proposed maintenance agreement has a five year term, annually renewable at a fixed cost of \$77,598 per year. TEA will provide 24 hour, seven day per week, on call support for the Dispatch Center communications systems. In addition, TEA will provide preventative maintenance, periodic review of system components and any necessary training of City staff.

**Fiscal Impact:** Funding for this service is available from the Information Services operational budget. The annual maintenance cost is \$77,598.00 per year.

**Recommendation:** Authorize the City Manager to execute agreement with Telecommunications Engineering Associates for maintenance and support for the Public Safety Dispatch Center communications system in an amount not to exceed \$77,598.00 per year, subject to approval as to form by the City Attorney.

- \* 23. **Approve Change Order No. 1 to the Contract with T. Marshall Associates for Energy Efficiency Measures – Existing Lighting Retrofits (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On September 4, 2007, the City Council approved a contract with T. Marshall Associates contract to retrofit the existing old style energy inefficient lighting in the Police and Public Works building, various the Community Center and the Sports and Teen Center with energy efficient replacements. Specifications and original bid amounts were based on pre-construction drawings and limited walk through site visits. The City did not have a comprehensive listing of all lighting fixtures. As part of the job, the contractor was required to do an exact physical count and catalog all lighting fixtures in the aforementioned buildings. After completing the count, it was determined that an additional 325 lighting fixtures, that did not appear on the available drawings, would also have to be retrofitted. Staff proposes a change order to the contract to retrofit the additional 325 lighting fixtures amount. The additional labor and materials amount to \$33,493.06.

**Fiscal Impact:** Funding for Change Order No. 1 is available from Capital Improvement Project No. 8182, City Building Improvements. It is estimated that the City will save an additional \$12,000 in electricity bills. The City will also be entitled to an additional \$6,820 in rebates from PG&E.

**Recommendation:** Approve Change Order No. 1 and authorize the City Manager to amend the contract with T. Marshall Associates for the Energy Efficiency Measures – Existing Lighting Retrofits for the not-to-exceed amount of \$33,493.06 including tax, subject to approval by the City Attorney.

- \* 24. **Authorize the City Engineer to Execute a Contract Change Order No. 2 to the Contract with Anderson Pacific Engineering Construction for the Main Sewage Pump Station, Project No. 6103 (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** The City Council awarded this project to Anderson Pacific Engineering Construction, Inc. on December 5, 2006, and construction is underway. The completed project will provide for construction of a new underground wet well with submersible pumps and inline grinders, and a new control building with electrical room, site grading, drainage improvements and lighting. The work will include concrete work, asphalt paving, electrical, mechanical, and piping. The completion date is October 2008.

Staff recommends that additional work to change the two specified level Transmitters to a Rosemont radar model 5402, install 1600 amp generator circuit breaker at existing generator, modifications to existing main switchboard and provide, install motor protective relays enclosure separate from the variable frequency drive units, furnish temporary fence at northern property line, furnish and Install 420 linear feet of security screen on existing Corporation Yard fence, upgrade to stainless steel enclosures for grinder electrical boxes, upgrade control building and wet well lighting and revision to annunciator panel.

**Fiscal Impact:** None, as sufficient funds are available in the project budget.

**Recommendation:** Authorize the City Engineer to execute the Contract Change Order No. 2 to the contract with Anderson Pacific Engineering Construction, in the amount of \$75,393.43 on Main Sewage Pump Station, Project No. 6103.

## **XIX. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, DECEMBER 11, 2007 AT 7:00 P.M.**