



**MILPITAS CITY COUNCIL MEETING AGENDA
APRIL 1, 2008**

**6:30 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL (6:30 p.m.)**
- II. ADJOURN TO CLOSED SESSION OF CITY COUNCIL**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to CA Government Code § 54956.9) Serio vs. City of Milpitas, et al.,
Santa Clara Superior Court case #107CV092251
- III. CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required pursuant to CA Govt. Code §54957.1, including the vote on abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Councilmember Polanski)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – March 18, 2008**
- VII. SCHEDULE OF MEETINGS (Council Calendar for April 2008)**
- VIII. PRESENTATIONS**

Proclamations:
 - Environmental Awareness Month in April, and Earth Day on April 22, 2008 for the Santa Clara Valley Water District
 - Project Cornerstone 2008 Asset Champions “Community Values Youth” Award
 - National Month of the Young Child and National Child Abuse Prevention Month in April
Presentation:
Child Welfare League of America's Children's Memorial Flag Presentation
- IX. PUBLIC FORUM**

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

- X. ANNOUNCEMENTS**
- XI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- XII. APPROVAL OF AGENDA**

XIII. CONSENT CALENDAR (Items with asterisks*)

XIV. UNFINISHED BUSINESS

1. Receive Report on Crime at the Great Mall (Staff Contact: Dennis Graham, 586-2502)
- * 2. Direct Staff to Prepare a Resolution for Council Action Banning the Purchase of Bottled Water for City Functions and Field Staff (Staff Contact: Kathleen Phalen, 586-3345)
- * 3. Receive Update on the Farmers Market (Staff Contact: James Lindsay, 586-3273)

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (March 18, 2008)

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

RA5. Receive Progress Report and Recommendations on Library, Midtown East Parking Garage, and North Main Streetscape Projects, No. 8154, No. 8161, No. 8162, and No. 8165 (Staff Contact: Steve Erickson 586-3414)

***RA6. Authorize the Agency Executive Director to Execute Amendment No. 3 to the Agreement with SCS Engineers for Environmental Consulting Services, Project No. 8154 (Staff Contact: Andrew Brozyna, 586-3315)**

***RA7. Approve Certificate of Completion for Certain Residential Units within Tract No. 9697 for KB Home, Project No. 3160 (Staff Contact: Robert Wang, 586-3327)**

RA8. Agency Adjournment

XVI. REPORTS OF OFFICER AND COMMISSION

City Council

- * 4. Consider Mayor's Recommendation for Appointment of Alternate Member to the Planning Commission (Contact: Mayor Esteves, 586-3029)

Community Advisory Commission

- * 5. Adopt a Resolution Approving Thursday, August 7, 2008, as "Milpitas National Night Out" (Staff Contact: Cindy Maxwell, 586-3287)

XVII. NEW BUSINESS

- * 6. Approve a New Capital Improvement Project No. 5087, entitled Calle Oriente Park Improvements, and a Budget Appropriation of \$80,000 (Staff Contact: Greg Armendariz, 586-3317)

XVIII. RESOLUTION

- * 7. Adopt Resolution Authorizing the City Manager to Execute and Submit Application to the State Housing and Community Development (HCD) Infill Infrastructure Grant Program for the Abel Street Streetscape Phase II, Corning Avenue to Weller Lane Project, Project No. 8157 (Staff Contact: Jaime Rodriguez, 586-3335)

XIX. BIDS AND CONTRACTS

- * 8. Approve Amendment No. 3 to the Agreement with Dodson Psomas for Gibraltar Reservoir and Pump Station Improvements, Project No. 7101 (Staff Contact: Andrew Brozyna, 586-3315)
- * 9. Award Construction Contract to DeSilva Gates Construction, LP and Approve Budget Appropriation for Street Resurfacing 2008, Project No. 4242 (Staff Contact: Andrew Brozyna, 586-3315)
- * 10. Approve Amendment No. 2 to the Agreement with RMC Water and Environment for Sewer Deficiency and Structural Correction Program, Project No. 6073 (Staff Contact: Andrew Brozyna, 586-3315)
- * 11. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Sewer Deficiency and Structural Correction Program, Open Cut Phase 4A, Project No. 6073 (Staff Contact: Andrew Brozyna, 586-3315)

XX. CLAIM AND DEMAND

- * 12. Approve the Standardization of the Design of City Park Name Signs and Approve Payment to EnviroSigns Ltd. for Five Additional Signs (Staff Contact: Chris Schroeder, 586-3161)

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, APRIL 15, 2008 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, 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 / 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

BECOME A CITY COMMISSIONER!

Currently, there are openings for the:

Arts Commission (alternate)

Community Advisory Commission

Economic Development Commission (Hotel Rep)

Mobile Home Park Rental Review Board

Planning Commission

Parks, Recreation and Cultural Resources Commission (alternate)

Recycling and Source Reduction Advisory Commission (alternate)

Telecommunications Commission

Applications are available online at www.ci.milpitas.ca.gov or at the City Hall Information Desk. Contact the City Clerk's office (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 586-3001 or send an email to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings. TDD phone number (408)586-3013.

AGENDA REPORTS

XV. UNFINISHED BUSINESS

1. Receive Report on Crime at the Great Mall (Staff Contact: Dennis Graham, 586-2502)

Background: At the February 19, 2008 City Council meeting, Vice Mayor Livengood asked that staff present a report on crime at the Great Mall. Crime statistics indicate that in 2007 the Great Mall accounted for over 22% of Uniform Crime Reports Part I crimes (murders, rapes, robberies, all assaults, burglaries, thefts, auto thefts and arsons), and that shoplifting is the most frequent crime occurrence at the Great Mall.

Fiscal Impact: None

Recommendation: Receive report on Great Mall crime from the Police Chief.

* 2. Direct Staff to Prepare a Resolution for Council Action Banning the Purchase of Bottled Water for City Functions and Field Staff (Staff Contact: Kathleen Phalen, 586-3345)

Background: On November 27, 2007, the City Council directed staff to review the implications, associated costs, and other relevant facts associated with the City's use of bottled water and provide a report of the findings. Staff has prepared this report, included in the Council packet, which reviews the City's current practices and makes a recommendation for the use of municipal tap water. Currently, there is not extensive use of bottled water use by City staff at City facilities. When bottled water is purchased, it is generally for the following reasons:

- It is provided as courtesy refreshment for officials, guests, the general public, and staff attending meetings or functions at city facilities.
- It is provided to city field personnel who do not have ready access to tap water while on duty to protect their health and safety.
- A small amount is stored for use to be given out to the public in case there is an emergency disruption of the municipal supply.
- Recreation Services purchases and resells bottled water to the public at the Milpitas Sports Complex.

The City can feasibly substitute municipal tap water for the first two purposes with the purchase of water pitchers, disposable plastic cups and refillable plastic bottles. In the first year, this would reduce the City's cost from about \$1,225 to \$920 (costs are approximate and are based on staff estimates). Costs in subsequent years would be about \$20, provided the pitchers and refillable bottles do not need replacement. Switching to use of municipal tap water for public functions and field personnel would also allow the City to demonstrate by example that tap water is a safe, environmentally superior, and economical alternative to bottled water.

Staff does not recommend banning the storage of bottled water for emergency supply at this time. Staff will review emergency processes in the context of the overall municipal water emergency planning effort that is underway. No recommendation is given for the Recreation Services resale of bottled water. This is a service requested by the public and does provide a small revenue stream to the Department.

Fiscal Impact: None

Recommendation: Direct staff to prepare a resolution for Council action banning the purchase of bottled water for City functions and field staff, unless the City Manager finds that such purchase is in the best interests of the City.

* 3. **Receive Update on the Farmers Market (Staff Contact: James Lindsay, 586-3273)**

Background: Councilmember Giordano requested staff to provide an update on the status of the Farmers Market to the Council. Manager John Silveira of the Pacific Coast Farmers' Market Association indicated to staff that there are currently no new opportunities in Milpitas but the Association is open to providing a Farmers Market again in Milpitas.

Fiscal Impact: None

Recommendation: Receive update report from staff on status of the Farmers Market.

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (March 18, 2008)

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

RA5. Receive Progress Report and Recommendations on Library, Midtown East Parking Garage, and North Main Streetscape Projects, No. 8154, No. 8161, No. 8162, and No. 8165 (Staff Contact: Steve Erickson 586-3414)

Background: Construction continues on the new Library and Streetscape projects. Staff will provide a brief presentation on their progress, including a status report on art for the new Library, and recommendation on changes to the plaza artwork, Terrapedia.

Library Public Art

Terrapedia: The artist for the Library Plaza artwork, Brian Goggin, will be in attendance at the meeting to describe proposed changes to Terrapedia. The proposed changes are the elimination of a water element and adjustment of the lighting. As originally approved by the City Council on December 11, 2007, Terrapedia included a water element that would have had water flowing over the edges of the book pages, or the limestone inserts. The proposed changes to the lighting take advantage of the lights already planned for the plaza near the artwork. As previously envisioned and approved by the City Council, the lighting would have been included in the "water trough" at the base of Terrapedia and uplight the book. The proposed change will utilize the existing lights in the plaza to light Terrapedia. The Public Art Committee met on Monday, March 24 and voted to recommend that the City Council approve the proposed changes to "Terrapedia" to eliminate the water element and modify the lighting.

South Tower: The selected artist for the South Tower, Rebeca Bollinger, withdrew from the project. The Public Art Committee voted to recommend to the City Council that the two other finalists for the South Tower, Amy Trachtenberg and Cork Marcheschi, be contacted about creating the South Tower art.

Library, Project No. 8161

S. J. Amoroso continues with construction of the new library. Installation of windows, curtain walls, internal partition walls, raised flooring systems, drywall, mechanical, electrical, and plumbing fixture work continue.

(FF&E) Library Furniture Package Bids

The furniture designs for the library were broken up into four different bid packages; Custom Furniture Package #1; Custom Casework Package #2; Standard Furniture Package #3; and Office & Standard Furniture Package #4 respectively. Bid Package #4 will be purchased through the

National Joint Powers Alliance (NJPA) as allowed by the Municipal Code. Packages 1 and 2 were advertised on March 6 and 13, and Package 3 was advertised on March 12 and 24. Sealed bids for Packages 1 and 2 were scheduled to be opened on March 28, and bids for Package 3 opened on March 31. Staff will present the bid results for furniture Packages 1, 2, and 3 along with a recommendation to either award contracts or reject the bids at the Council meeting.

N. Main Streetscape, Project No. 8165

JJR Construction continues work on the first phase of the N. Main Streetscape from Weller Lane to the 237 off-ramp. Installation of new street lighting, traffic signal underground, landscape, irrigation, and other improvement work continues. Construction is being staged to maintain traffic and access.

Fiscal Impact: There are sufficient funds in the project budgets to cover these additional expenses requested.

Recommendations:

1. Receive progress report on the new Library, Midtown East Parking Garage, and North Main Streetscape, Projects No. 8154, No. 8161, No. 8162, and No. 8165.
2. Award one or more contracts to the lowest responsible and responsive bidders, or reject one or more of the bids for furniture packages 1, 2 and 3, as recommended in staff's oral report, subject to approval by the Agency Counsel
3. Approve changes to "Terrapedia" to eliminate the water element and to modify the lighting.
4. Direct staff to contact Amy Trachtenberg and Cork Marcheschi to discuss their interest in creating the South Tower art.

***RA6. Authorize the Agency Executive Director to Execute Amendment No. 3 to the Agreement with SCS Engineers for Environmental Consulting Services, Project No. 8154 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: On July 20, 2005, the City Council approved a consulting agreement with SCS Engineers in the amount of \$345,000 for environmental services for the parking garage, library, and streetscape projects. The work included hazardous materials testing, soil sampling and testing, and design services for abatement. Two agreement amendments, in the amount of \$170,000, have previously been approved by Council.

Staff recommends that SCS Engineers provide additional consulting services, soil sampling services, testing, and groundwater investigation within the area of the future streetscape improvements on Main Street, from the 237 Off-Ramp to Carlo Street, and Windsor Cul-de Sac. The purpose of this work is to address previously identified environmental risks (potential existing contaminated soils) and present procedures to be followed in the event that chemically impacted soil materials are encountered during excavation activities in the area.

Amendment No. 3 is proposed for these services and staff has negotiated a scope and fee for these services not to exceed \$35,000, which is considered reasonable for the work. Approval of this agreement amendment brings the total contract amount to \$550,000.

Fiscal Impact: There are sufficient funds in the project budgets to cover these additional expenses requested.

Recommendation: Authorize the Executive Director to execute Amendment No. 3 to the Agreement with SCS Engineers, Project No. 8154, in the amount of \$35,000, subject to approval as to form by the Agency Counsel.

***RA7. 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 Certificate of Completion, and therefore a certificate of completion may be granted to only those housing units.

Fiscal Impact: None

Recommendation: Authorize the Agency Executive Director to execute the 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 Agency Counsel as to form.

RA8. Agency Adjournment

XXI. REPORTS OF OFFICER AND COMMISSION

City Council

- * 4. Consider Mayor's Recommendation for Appointment of Alternate Member to the Planning Commission (Contact: Mayor Esteves, 586-3029)

Background: Mayor Esteves recommends Aslam Ali be appointed as an alternate member to the Planning Commission to a term that expires in December 2009.

Fiscal Impact: None

Recommendation: Consider Mayor's recommendation and vote on appointment of Aslam Ali as the alternate member to the Planning Commission.

Community Advisory Commission

- * 5. Adopt a Resolution Approving Thursday, August 7, 2008, as "Milpitas National Night Out" (Staff Contact: Cindy Maxwell, 586-3287)

Background: National Night Out is a program that encourages citizens to gather at neighborhood block parties and become better acquainted with their neighbors. National Night Out is a coordinated effort between Police and community members to form a partnership in order to learn better how to prevent crime in neighborhoods. This year marks the 25th Annual National Night Out sponsored by the National Association of Town Watch (NATW).

The NATW designates National Night Out as the first Tuesday of August. Since the Milpitas City Council meets on the first Tuesday of the month, and members of the City Council typically attend the neighborhood block parties, Milpitas' past National Night Out celebrations have been held the following Thursday.

On February 6, 2008, the Community Advisory Commission recommended the City Council designate Thursday, August 7, 2008, as "Milpitas National Night Out."

Fiscal Impact: None

Recommendation: Adopt resolution setting Thursday, August 7, 2008 as "Milpitas National Night Out."

XXII. NEW BUSINESS

- * 6. **Approve a New Capital Improvement Project No. 5087, entitled Calle Oriente Park Improvements, and a Budget Appropriation of \$80,000 (Staff Contact: Greg Armendariz, 586-3317)**

Background: On August 21, 2007, the City Council approved the use of Community Development Block Grant funds for FY 2007-2008 for improvements at Calle Oriente Park. The total amount of this grant is \$71,348.

Staff is recommending a new Capital Improvement Program Project entitled “Calle Oriente Park Improvements” and a budget appropriation of \$80,000 funded by CDBG grant and Park Fund. These funds will provide design work for a complete renovation of this park. Construction is planned for 2009/10, and additional funding will be programmed once a construction estimate is available.

Fiscal Impact: Funds are available from the CDBG Grant (\$71,348) and the City’s Park Fund (\$8,652).

Recommendations:

1. Approve a new Capital Improvement Project No. 5087, entitled “Calle Oriente Park.”
2. Approve a budget appropriation of \$80,000.

XXIII. RESOLUTION

- * 7. **Adopt Resolution Authorizing the City Manager to Execute and Submit Application to the State Housing and Community Development (HCD) Infill Infrastructure Grant Program for the Abel Street Streetscape Phase II, Corning Avenue to Weller Lane Project, Project No. 8157 (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: The City of Milpitas continues to demonstrate commitments to Smart Growth, Smart Regional Planning, and Affordable Housing through its adoption of the Midtown Specific Plan and active development of the Transit Area Specific Plan. Community improvements such as the conversion of high-speed arterial streets to pedestrian and bike-friendly streets through streetscape enhancement projects and utility infrastructure projects to support in-fill development such as pump stations, larger water and sewer pipe projects will be necessary to accommodate the development described in these Plans.

At the February 19, 2008 meeting, the City Council approved submittal of a grant proposal to the Housing and Community Development (HCD) program for a new Water Storage Tank to support development in the Transit Area Specific Plan in anticipation of the call-for-projects. In discussing the grant criteria with the State HCD Infill Grant Representative, “Project Readiness” including the completion of right-of-way analysis, environmental clearance and project design, will be the key elements in the evaluation of proposals to ensure that funded projects can immediately move into construction. Because the City has not started the project development activities for the Water Storage Tank project, this project may not be competitive in the HCD program.

The Abel Street Streetscape Phase II – Corning Avenue to Weller Lane project fits the HCD program goals and because the project meets all of the “Project Readiness” criteria, it may be more competitive in the scoring process. This project includes the extension of streetscape improvements recently installed on Abel Street between Great Mall Parkway and Corning Avenue including pedestrian and bike-friendly streets through the narrowing of vehicle travel lanes, landscape median islands and sidewalks, pedestrian-scale lighting improvements, and bike lanes. The estimated cost of the project is \$8.25 million; this is also the requested grant-funding amount. Staff recommends submitting a proposal for the Abel Street Streetscape Phase II- Corning Avenue to Weller Lane project, instead of the Water Storage Tank project.

The grant application requires several supporting documents including a Council resolution authorizing application submittal, and a resolution authorizing the City Manager execution and

submittal of the grant documents (included in the Council agenda packet). The application is due to the State on Friday April 4, 2008.

Fiscal Impact: There is no fiscal impact to the FY08 budget from this action.

Recommendation: Adopt Resolution authorizing the City Manager to execute and submit an application to the State Housing and Community Development (HCD) Infill Infrastructure Grant Program for the Abel Street Streetscape Phase II – Corning Avenue to Weller Lane project, Project No. 8157.

XXIV. BIDS AND CONTRACTS

- * **8. Approve Amendment No. 3 to the Agreement with Dodson Psomas for Gibraltar Reservoir and Pump Station Improvements, Project No. 7101 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: On April 3, 2007, the City Council approved a consultant agreement with Dodson Psomas in the amount of \$468,798 to provide professional engineering and design services. Subsequently, two agreement amendments were approved by Council for the Curtis Well Upgrade Project and the seismic and structural analysis of the existing Gibraltar Pump Station.

After an engineering assessment of the facilities, staff recommends that Dodson Psomas perform additional services for the design of a new control room necessary for the Gibraltar Pump Station. Amendment No. 3 to the agreement with Dodson Psomas is proposed for these additional services. Staff has negotiated a scope and not to exceed fee of \$60,318, which is considered reasonable for the work. Approval of this agreement amendment brings the total contract amount to \$529,328.

Fiscal Impact: There are sufficient funds in the project budget to cover the expense.

Recommendation: Approve Amendment No. 3 to the Agreement with Dodson Psomas for Gibraltar Reservoir and Pump Station Improvements, in the amount of \$ 60,318, subject to approval as to form by the City Attorney.

- * **9. Award Construction Contract to DeSilva Gates Construction, LP and Approve Budget Appropriation for Street Resurfacing 2008, Project No. 4242 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: On February 19, 2008, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals. This project provides roadway reconstruction on Smithwood Street between Marylinn Drive and Rudyard Drive, Silvera Street, Watson Court, Louise Court, Landess Avenue between Park Victoria Drive and Clear Lake Avenue, and approximately 400 lineal feet of Hammond Way north of Curtis Avenue; roadway resurfacing on Pecten Court, Milpitas Boulevard between Tramway Drive and Hanson Court, Yosemite Drive between Sinclair Frontage Road and Vista Way, Arizona Avenue between Jacklin Road and north of Oregon Way, Gadsden Drive between Calaveras Boulevard and Canton Drive, Temple Drive between Calaveras Boulevard and Canton, and Dempsey Road between Yosemite Drive and Chewpon Avenue; and repair of base failures on McCarthy Boulevard between State Route 237 On-Off Ramp North and northerly city limits, and Ranch Drive. The Engineer's Estimate was \$2,500,000.

The project was advertised and sealed bid proposals were opened on March 25, 2008. The bid proposal consists of a base bid with add alternate items to be added at the discretion of the City. The basis of the contract award is the lowest responsive base bid received.

Nine bid proposals received ranged from \$2,173,901.00 to \$2,968,919.25, and the lowest responsive and responsible bidder is DeSilva Gates Construction, LP. The add alternate prices

for items C and D, submitted by DeSilva Gates Construction, LP are for \$80,500.00 and \$28,000.00, which are considered good prices for the work to be performed.

Fiscal Impact: A budget appropriation in the amount of \$990,000 from the Street Fund is required to award this project.

Recommendations:

1. Award the construction contract and the add alternates C and D for a total contract net of \$2,282,401 for Street Resurfacing 2008, Project No. 4242, to the DeSilva Gates Construction, LP, the lowest responsive and responsible bidder.
2. Approve a budget appropriation for \$990,000 from the Street Fund.

*** 10. Approve Amendment No. 2 to the Agreement with RMC Water and Environment for Sewer Deficiency and Structural Correction Program, Project No. 6073 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: On November 16, 2004, the City Council approved a consultant agreement with RMC Water and Environment in the amount of \$220,880 to provide engineering services such as field survey, hydraulic analysis and preparation of plans and specifications of selected sewer lines throughout the City. On June 21, 2005, the City Council approved Amendment No. 1 for additional locations for a new not to exceed amount of \$282,410.

Staff recommends further amendments to the RMC Water and Environment agreement scope of work to add construction support during reconstruction of the Heath St, Louise Ct, Moonlight Circle and Poppy Lane sewers. Amendment No. 2 to the agreement is proposed for these services. Staff has negotiated a scope and a not to exceed fee of \$183,810, which is considered reasonable for the work.

Approval of this second amendment would bring the total contract amount to \$466,220.

Fiscal Impact: There are sufficient funds in the project budget to cover the expense.

Recommendation: Approve Amendment No. 2 to the Agreement with RMC Water and Environment for Sewer Deficiency and Structural Correction Program, Project No. 6073, in the amount of \$183,810, subject to approval as to form by the City Attorney.

*** 11. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Sewer Deficiency and Structural Correction Program, Open Cut Phase 4A, Project No. 6073 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: Plans and specifications for Project No. 6073 have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project provides for the replacement of sewer mains due to structural deficiencies, differential settlement, and damaged sewer lines discovered with the City's video inspection program. The sewer mains in this project require frequent maintenance, so replacement of them would reduce the amount of maintenance required. This phase of the project will provide for sewer line replacements at three locations:

1. Louise Court,
2. Moonlight Circle, and
3. Heath Street from Redwood Avenue to Marylinn Drive (portion is add alternate).

The Engineer's Estimate for the work is approximately \$600,000 for the base bid and another \$200,000 for add alternate work (if favorable pricing is received, the add alternate portion of Heath Street may be performed). 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: Additional funds may be requested at the time of award.

Recommendation: Approve plans and specifications and authorize advertising the project for bid proposals for Sewer Deficiency and Structural Correction Program, Open Cut Phase 4A, Project No. 6073.

XXV. CLAIM AND DEMAND

- * 12. **Approve the Standardization of the Design of City Park Name Signs and Approve Payment to Envirosigns Ltd. for Five Additional Signs (Staff Contact: Chris Schroeder, 586-3161)**

Background: With three new City parks opening this summer and in coordination with the Parks Master Plan, a recommendation was made to begin to standardize the design and color scheme of all City park signs, based on an existing City park sign similar to the Yosemite Park sign as allowed under Municipal Code Section I-2-3.13, Standardization. The proposed new signs and standardization were reviewed and recommended by the Parks, Recreation and Cultural Resources Commission on December 3, 2007.

The current five signs were approved for purchase at the August 8, 2007 City Council meeting, although the exact price was not known at the time.

Fiscal Impact: The purchase price of the five new signs is \$8,923.85. Funding is available from the Midtown Park Fund.

Recommendation: Approve the standardization of park signs and the purchase of five new park name signs for the Tom Evatt, O'Tool Elms, and John McDermott Parks from Envirosigns, Ltd. for the not-to-exceed amount of \$8,923.85 and appropriate the funds from the Midtown Park Fund.

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, APRIL 15, 2008 AT 7:00 P.M.**