



MILPITAS CITY COUNCIL MEETING AGENDA  
MAY 20, 2008

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

**SUMMARY OF CONTENTS**

- I. CALL TO ORDER/ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. INVOCATION (Councilmember Giordano)
- IV. APPROVAL OF COUNCIL MEETING MINUTES – May 6, 2008
- V. SCHEDULE OF MEETINGS - Council Calendars for May and June 2008
- VI. PRESENTATIONS

**Proclamations:**

- Celebrating Memorial Day – May 26, 2008
- Foster Care Appreciation Month– May 2008
- Milpitas Historic Preservation Month – May 2008

**Certificates of Commendation:**

- Barbara Gomes Bowman for the Milpitas Historical Society
- Chansoon Lee for the SUMC Historic Preservation Project
- Mary Martin for the Sunnyhills Preservation Project
- Yollette Merritt for Community Arts & History Support
- Rob Devincenzi for the Milpitas Post
- Linda Arbaugh for the Milpitas Community Library
- Gabriel Ibarra for Architectural History Photo Exhibit
- Sylvia Leung for saving the five 150 year-old olive trees

**Certificates of Appreciation:**

Presented to 32 Food Donors and Vendors Certificates for the April 10, 2008 Joint City/School District Evacuation and Mass Feeding Exercise at John Sinnott Elementary School

**Special Unveiling of Wall Plaques:**

Adjourn to the rotunda lobby for unveiling of the wall plaques and commendation presentation to:

- Bryan Hinkley, Police Officer of the Year
- Steve King, Firefighter of the Year
- Lonnie Knight, Citizen of the Year
- Daniel Nam, Gene Schwab Award Employee of the Year

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

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

**RA2. Roll Call**

**RA3. Approval of Minutes (May 6, 2008)**

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

**\*RA5. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Singley Area Street Rehabilitation Phase 5, Project No. 8193 (Staff Contact: Jeff Leung, 586-3326)**

**RA6. Agency Adjournment**

**XIII. REPORTS OF OFFICER AND SUBCOMMITTEES**

**City Council:**

**\* 1. Consider Mayor's Recommendations for Appointments to the Sister Cities Commission (Contact: Mayor Esteves, 586-3029)**

**Facilities Naming Subcommittee**

**2. Approve Recommendation for the Naming of the Cesar Chavez Reading Area in the New Milpitas Library (Staff Contact: Jaime Rodriguez, 586-3335)**

**XIV. NEW BUSINESS**

**3. Receive Staff Report and Approve Conceptual Gateway Sign and Authorize the City Manager to Execute the Consultant Agreement for Highway 237/ I-880 Interchange Gateway Monument Sign, Project No. 4170 (Staff Contact: Jeff Leung, 586-3326)**

**\* 4. Request to Make Available to the Public the April 17, 2008 Confidential Memorandum from the City Attorney to the City Council (Staff Contact: Michael Ogaz, 586-3040)**

**\* 5. Approve One Youth Sports Assistance Fund Grant Request (Staff Contact: Aaron Bueno, 586-3226)**

**XV. ORDINANCE**

**\* 6. Waive the Second Readings and Adopt Solid Waste Ordinance No. 48.20 and Noise Ordinance No. 196.9 (Staff Contact: Kathleen Phalen, 586-3345)**

**XVI. RESOLUTIONS**

**\* 7. Adopt a Resolution Directing Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9474 (Staff Contact: Robert Wang, 586-3327)**

- \* 8. **Adopt a Resolution Directing Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9489 (Staff Contact: Robert Wang, 586-3327)**
- \* 9. **Adopt a Resolution Approving Heritage Tree Program Designation (Staff Contact: Carol Randisi, 586-2601)**

**XVII. BIDS AND CONTRACTS**

- \* 10. **Approve the Purchase of VeriPic Software for Digital Evidence Recording for the Police Department (Staff Contact: Chris Schroeder, 586-3161)**
- \* 11. **Approve Amendment No. 1 to the McCarthy Ranch Landscape Maintenance Service Contract with Jensen Landscape Services, Inc. (Staff Contact: Chris Schroeder, 586-3161)**
- \* 12. **Award the Bid to San Francisco Ford for Purchase of Replacement Police Cruiser (Staff Contact: Chris Schroeder, 586-3161)**
- \* 13. **Approve the Permittee Dedication and Improvement Agreement with AIM Developer Enterprises, Inc., Project No. 3196 (Staff Contact: Robert Wang, 586-3327)**
- \* 14. **Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Slurry Seal Project FY 2008-09, Project No. 8194, Project No. 6073 (Staff Contact: Jeff Leung, 586-3326)**
- \* 15. **Approve First Amendments to Agreements for Debris Box Services with Pacific Coast Recycling, Premier Recycle, Sonrise Consolidated, Stevens Creek Disposal and Recycling, and Valley Recycling (Staff Contact: Kathleen Phalen, 586-3345)**
- \* 16. **Approve Agreements with All Points Roll Off Inc. and Number 1 Disposal for Debris Box Services (Staff Contact: Kathleen Phalen, 586-3345)**
- \* 17. **Approve Second Amendments to Agreements for Debris Box Services with Allied Waste Services, Environmental Management Systems, and GreenWaste Recovery doing business as Ninety-Nine Dollar Debris Box (Staff Contact: Kathleen Phalen, 586-3345)**

**XVIII. CLAIM AND DEMAND**

- \* 18. **Report to Council on Emergency Purchases from Cal-West Lighting and Pacific Air (Staff Contact: Chris Schroeder, 586-3161)**

**XIX. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, JUNE 3, 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](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)*

**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*  
*Recycling and Source Reduction Advisory Commission (alternate)*  
*Telecommunications 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.

*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](mailto: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

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

- \*RA5. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Singley Area Street Rehabilitation Phase 5, Project No. 8193 (Staff Contact: Jeff Leung, 586-3326)**

**Background:** Plans and specifications for this project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project provides roadway drainage improvements and asphalt overlay for selected streets (to minimize water ponding in the area):

1. Hamilton Avenue from Merz Court to Enriquez Court
2. Hamilton Avenue from Tramway Drive to Escuela Parkway
3. Tramway Drive from Milpitas Boulevard to Donahe Drive
4. Tramway Drive from Escuela Parkway to Wyoma Place
5. Chad Drive from Singley Drive to Aaron Park Drive
6. Whittier Street

The Engineer's Estimate for the work is approximately \$800,000. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

**Fiscal Impact:** None. Funds are available in the project budget.

**Recommendations:**

1. Approve plans and specifications for Singley Area Street Rehabilitation Phase 5, Project No. 8193.
2. Authorize advertising project for bid proposals.

### **RA6. Agency Adjournment**

### **XIII. REPORTS OF OFFICER AND SUBCOMMITTEES**

**City Council:**

- \* 1. Consider Mayor's Recommendations for Appointments to the Sister Cities Commission (Contact: Mayor Esteves, 586-3029)**

**Background:** Mayor Esteves recommends the following Milpitas residents be appointed:

**Sister Cities Commission:**

Appoint Maria M. Ortega (Current Alternate No. 1) as a regular member to a term that expires in September 2008.

Appoint Nolan Chen (Current Alternate No, 2) as Alternate No. 1 to a term that expires in September 2008.

Appoint Dana Arbaugh as Alternate No. 2 to a term that expires in September 2009.

**Recommendation:** Consider Mayor's recommendations for three appointments to the Sister Cities Commission and vote on appointments.

**Facilities Naming Subcommittee**

- 2. Approve Recommendation for the Naming of the Cesar Chavez Reading Area in the New Milpitas Library (Staff Contact: Jaime Rodriguez, 586-3335)**

**Background:** The Facilities Naming Subcommittee met on April 16, 2008 and requested that the naming recommendation be forwarded to the City Council for consideration and approval.

Names for Rooms and Areas in the New Milpitas Library

A nomination form was received from Carmen Montano to name a room within the new Milpitas Library after Cesar Chavez, United Farm Workers Founder & Former President. Cesar Chavez organized marches, strikes and personal fasts to bring awareness to the suffering of farm workers and their children resulting from a lack of farm worker rights, exposure to dangers of pesticides used on crops, and the denial of fair and free elections for farm worker organizations.

Staff suggested the naming of the reading area on the north area of first floor in the new library to honor Cesar Chavez. The location was supported by the sponsor and Vice Mayor Livengood recommended forwarding a recommendation to the City Council for its consideration. If approved, this would be the last major area available within the new library for naming.

**Fiscal Impact:** No fiscal impact to naming of rooms and areas at the New Milpitas Library.

**Recommendation:** Approve recommendation of the Facilities Naming Subcommittee for the naming of the Cesar Chavez Reading Area in the new Milpitas Library.

**XVII. NEW BUSINESS**

**3. Receive Staff Report and Approve Conceptual Gateway Sign and Authorize the City Manager to Execute the Consultant Agreement for Highway 237/ I-880 Interchange Gateway Monument Sign, Project No. 4170 (Staff Contact: Jeff Leung, 586-3326)**

**Background:** The City of Milpitas obtained Caltrans approval for a City Gateway sign at the southeast corner of State Route 237 and I-880. This Caltrans approval was granted under a limited Gateway pilot program. The sign must be 18 feet or shorter, the construction plans for the sign must be approved by Caltrans, and be installed by December of 2008. Staff will present the concepts with estimated costs and a recommendation to Council.

Staff also recommends that the City Council authorize the City Manager to select a designer, negotiate a design fee and to execute a consultant agreement for design of the gateway sign and landscaping of the gateway sign area.

**Fiscal Impact:** None. Funds are available in the project budget.

**Recommendations:**

1. Receive staff report and approve the concept for the City Gateway installation at the 237/I-880 interchange.
2. Authorize the City Manager to select a designer, negotiate a design fee and execute the consultant agreement for construction document preparation.

**\* 4. Request to Make Available to the Public the April 17, 2008 Confidential Memorandum from the City Attorney to the City Council (Staff Contact: Michael Ogaz, 586-3040)**

**Background:** Councilmember Giordano has requested that the April 17, 2008 confidential memorandum (discussing SB 50 implications) that was sent to the Mayor and City Council by the City Attorney be made available to the public. A vote of the Council can authorize the memo being made public. A copy of the memo was provided to Council as confidential, and will be provided to the public should the City Council vote to do so.

**Fiscal Impact:** None.

**Recommendation:** Move that the City Attorney's memorandum of April 17, 2008, be made available to the public.

- \* 5. **Approve One Youth Sports Assistance Fund Grant Request (Staff Contact: Aaron Bueno, 586-3226)**

**Background:** On June 19, 2007, the Milpitas City Council approved and appropriated \$8,000 for the Youth Sports Assistance Fund for the 2007-08 budget year. Included in the City Council packet for review and consideration is one Youth Sports Assistance Fund application.

A Group Youth Sports Assistance Fund application was received from the Milpitas North Valley Bobby Sox in the amount of \$1,000, for entry fees and other travel costs for the Bobby Sox All-Star Tournament held June 21-22, 2008 in Madera, California.

**Fiscal Impact:** There is currently a balance of \$3,500 in the 2007-08 Youth Sports Assistance Fund. Approval of one Youth Sports Assistance Fund Grant in the amount of \$1,000 will leave a balance of \$2,500 for the remainder of the fiscal year.

**Recommendation:** The Parks, Recreation and Cultural Resources Commission (PRCRC) and staff reviewed the application on May 5, 2008 and recommend that the City Council authorize granting one Group Youth Sports Assistance Fund application, in the amount of \$1,000 to the Milpitas North Valley Bobby Sox.

## XVIII. ORDINANCE

- \* 6. **Waive the Second Readings and Adopt Solid Waste Ordinance No. 48.20 and Noise Ordinance No. 196.9 (Staff Contact: Kathleen Phalen, 586-3345)**

**Background:** On May 6, 2008, Council introduced Ordinance No. 48.20 amending the solid waste ordinance, and Ordinance No 196.9 amending the noise ordinance. Council also authorized the City Manager to execute amendments to the Allied Waste solid waste and yard trims service agreements to incorporate desirable changes.

One of these changes is contract working hours. Currently, Allied is allowed to start work at 6:00 am during the summer (June, July, and August), but can start no earlier than 7:00 am during the rest of the year. Council directed that the agreements be amended to allow for a six-month trial extension of the 6:00 am residential start time from September 2008 through February 2009. Staff will bring a three month status report of the impact of this change, including all customer comments and complaints, to Council in November 2008 and in February 2009 with a recommendation to either extend or terminate the trial. Other agreement changes are relatively minor and are intended to adjust contract requirements to match evolving market, technology, and program monitoring conditions. There are also a number of language "cleanup" changes to fix typographic errors and improve the consistency of terminology. The value of the changes is balanced between the City and Allied and so the action has no net cost impact.

Minor changes to the noise ordinance, to be consistent with the agreement changes, are included in the noise ordinance amendment.

**Fiscal Impact:** There is no fiscal impact from the recommended action.

**Recommendations:**

1. Waive the second reading of Solid Waste Ordinance Amendment No. 48.20.
2. Adopt Solid Waste Ordinance Amendment No. 48.20.
3. Waive the second reading of Noise Ordinance Amendment No. 196.9.
4. Adopt Noise Ordinance Amendment No. 196.9 with added changes.

**XIX. RESOLUTIONS**

- \* **7. Adopt a Resolution Directing Preparation of the Annual Engineer’s Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9474 (Staff Contact: Robert Wang, 586-3327)**

**Background:** Landscaping and Lighting Maintenance Assessment District No. 95-1 (LMD). 95-1 provides for servicing and maintaining the public landscaping and additional lighting along North McCarthy Boulevard and the Gateway landscaping on Ranch Drive.

The Landscaping and Lighting Act of 1972, requires adoption of the resolution, the preparation of an annual Engineer’s Report and its subsequent approval by the City Council following a public hearing (scheduled for June 17, 2008). Upon conclusion of the public hearing, the assessment for the work is added to the property tax bills for those property owners included within the boundaries of the district.

**Fiscal Impact:** None.

**Recommendation:** Adopt a Resolution directing the preparation of the Annual Engineer’s Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9474.

- \* **8. Adopt a Resolution Directing Preparation of the Annual Engineer’s Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9489 (Staff Contact: Robert Wang, 586-3327)**

**Background:** Landscaping and Lighting Maintenance Assessment District (LMD) No. 98-1 provides for servicing and maintaining the public landscaping along Sinclair Frontage Road, Los Coches Creek and Berryessa Creek abutting the Sinclair Horizon residential subdivision. The Landscaping and Lighting Act of 1972, requires adoption of the resolution, the preparation of an Annual Engineer’s report and its subsequent approval by the City Council following a public hearing (scheduled for June 17, 2008). Upon conclusion of the public hearing, the assessment for the work is added to the property tax bills for those property owners included within the boundaries of the district.

**Fiscal Impact:** None.

**Recommendation:** Adopt a Resolution directing the preparation of the Annual Engineer’s Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9489.

- \* **9. Adopt a Resolution Approving Heritage Tree Program Designation (Staff Contact: Carol Randisi, 586-2601)**

**Background:** The City of Milpitas’ Heritage Tree Program (HTP) was established in accordance with the provisions of the Municipal Code, Title X, Chapter 2 Tree Maintenance and Protection, Section X-7.01.3. The purpose of the Program is to increase public awareness about the important contribution trees make to the Milpitas community. The goals of the program are to recognize and designate individual trees or groves of trees to promote appreciation of the trees and their benefit to the community and importance as part of the City’s historical past. Another goal is to nurture and protect the trees as part of the city’s heritage.

Heritage trees are designated by resolution of the City Council to individual trees or a grove of trees of any size or species within the City of Milpitas that are distinctive, of special historical value, or significant community benefit. Ten heritage tree nominations have been prepared and recommended by the Community Advisory Commission on May 6, 2008 for City Council designation.

**Fiscal Impact:** None.

**Recommendation:** Adopt a Resolution approving Heritage Tree Program Designation for 83 trees as recommended by the Community Advisory Commission.

**XVIII. BIDS AND CONTRACTS**

- \* **10. Approve the Purchase of VeriPic Software for Digital Evidence Recording for the Police Department (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** Part of the Citizen Options for Public Safety (COPS) Grant approved by Council on December 12, 2007 included the purchase of digital evidence photo software. After conducting a comprehensive analysis and testing of the top three brands of photo evidence software from VeriPic, DataWorks, and DIMS, both the Police and Information Services Departments determined that VeriPic was the superior product based on authentication of data, high speed thumbnail processing, password protection, ability to view multiple document formats, and distributed computing speed. This request is that the software be purchased as a sole source procurement as authorized in Section I-2-5.03-4 of the Milpitas Municipal Code.

**Fiscal Impact:** \$23,913.51. Funds for this purchase are available from the FY 07-08 Citizen Options for Public Safety (COPS) Grant.

**Recommendation:** Approve the Purchase of VeriPic Software for Digital Evidence Recording for the Police Department, at a cost of \$23,913.51.

- \* **11. Approve Amendment No. 1 to the McCarthy Ranch Landscape Maintenance Service Contract with Jensen Landscape Services, Inc. (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On August 29, 2007 the City entered into a three-year contract with Jensen Landscape Services, Inc. for the maintenance of the McCarthy Ranch landscape district. The district was formed in 1995 and the improvements have not been renovated in 13 years. Over the years the mulch in the planting beds and the crushed granite on the walking paths in the southwest portion of the district near the intersection of Ranch Dr. and N. McCarthy Blvd. have deteriorated badly and need replacing. The City will provide the mulch and Jensen Landscape will install it. Jensen will also provide and install the crushed granite for the walking paths. This requires an amendment to the contract because renovation was not included in the original scope of work.

**Fiscal Impact:** \$19,685. Funds are available for this service in Public Works operating budget.

**Recommendation:** Approve Amendment No. 1 to the McCarthy Ranch Landscape Maintenance Service contract with Jensen Landscape Services, Inc. for the not-to-exceed amount of \$19,685.

- \* **12. Award the Bid to San Francisco Ford for Purchase of Replacement Police Cruiser (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** This purchase is to replace PT30, a 2003 Ford Crown Victoria Police Interceptor, which was destroyed in the line of duty. Purchasing worked with the Police Department and Fleet Maintenance staff to develop specifications on the vehicle. Bids were sent to seven regional and Bay Area Ford dealers on Purchasing's bidders list. In addition, the bid was advertised in the local newspaper and on the City website.

Four bids were received and are summarized below:

<u>Bidder</u>	<u>Total Bid</u>
San Francisco Ford	\$34,037.88

Sunnyvale Ford	\$34,261.04
Frontier Ford	\$35,041.70
Wondries Fleet Group	\$41,056.12

**Fiscal Impact:** \$34,037.88. Sufficient funding is available from the Equipment Replacement Fund and cost recovery from insurance reimbursement for the purchase of the vehicle.

**Recommendation:** Award the bid for a new 2009 Crown Victoria Police Interceptor to San Francisco Ford, for the not-to-exceed amount of \$34,037.88, including sales and tire tax.

\* 13. **Approve the Permittee Dedication and Improvement Agreement with AIM Developer Enterprises, Inc., Project No. 3196 (Staff Contact: Robert Wang, 586-3327)**

**Background:** On December 5, 2006, the City Council approved the construction of an approximately 13,040 square foot, three-story, mixed-use building that includes ground floor retail, second story dental office, and three one- bedroom dwelling units, with site improvements at 1880 N. Milpitas Blvd. As part of this approval, the permittee is required to execute a secured public improvement agreement with the City to dedicate necessary public service utility and sidewalk easement, and construct all necessary public improvements along its frontage on E. Dixon Road and N. Milpitas Blvd. as per Approved Special Condition No. 25.

The improvement plans and Public Service Utility and Sidewalk Easement dedication document are ready for approval. Copies of the Permittee Dedication and Improvement Agreement and excerpts of the improvement plans are included with the Council agenda packet. A complete set of the improvement plans is available for review in the office of the City Engineer.

**Fiscal Impact:** None

**Recommendation:** Approve the Permittee Dedication and Improvement Agreement with AIM Developer Enterprises, Inc. and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

\* 14. **Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Slurry Seal Project FY 2008-09, Project No. 8194, Project No. 6073 (Staff Contact: Jeff Leung, 586-3326)**

**Background:** Plans and specifications for the slurry seal project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project consists of placing slurry seal on these streets (to preserve the pavement surface): Midwick Drive, Sudbury Drive, Sudbury Court, Belbrook Place, Belbrook Way, Kovanda Way, Berrendo Drive, Fontainbleu Avenue between Midwick Drive and Rose Drive, Fontainbleu Court, Vienna Drive, Beaumere Way, Knollview Drive, Escuela Place, Martil Way between Escuela Parkway and Corinthia Drive, Tirol Court, Clauser Drive between Escuela Parkway and Corinthia Drive, Corinthia Drive between Escuela Parkway and Clauser Drive, Ashland Drive, Freeland Drive, Roswell Drive between Yosemite Drive and Canton Drive, Roswell Court, Monmouth Drive, Carnegie Drive between Yosemite Drive and Edsel Drive, Boulder Street, Cortez Street, California Circle between I-880 On/Off Ramp and Milmont Drive, and Milmont Drive between California Circle and Dixon Landing Road.

The Engineer's Estimate for the work is approximately \$150,000. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

**Fiscal Impact:** None. Funds are available in the project budgets.

**Recommendations:**

1. Approve plans and specifications for Slurry Seal Project FY 2008-09, Project No. 8194 and Project No. 6073.
2. Authorize advertising project for bid proposals.

\* **15. Approve First Amendments to Agreements for Debris Box Services with Pacific Coast Recycling, Premier Recycle, Sonrise Consolidated, Stevens Creek Disposal and Recycling, and Valley Recycling (Staff Contact: Kathleen Phalen, 586-3345)**

**Background:** The City has a standard three-year agreement that it uses for debris box haulers. The City Attorney and Finance Department staff recently reviewed this standard agreement to identify revisions to reduce the City's risk exposure and ensure the City receives its contract-specified fees. These revisions have been incorporated into the standard form of this agreement.

This recommended action is to amend the City's existing agreements for debris boxes to incorporate these revisions. The amendments are for agreements with Pacific Coast Recycling, Premier Recycle, Sonrise Consolidated, Stevens Creek Disposal and Recycling, and Valley Recycling Debris. In order to ensure uniformity, amendments include one or more of the following:

1. New insurance requirements,
2. New effective contract dates,
3. New contract provision allowing verification of the compensation payment.

All other agreement provisions remain unchanged.

**Fiscal Impact:** None

**Recommendation:** Approve Amendment No.1 to the Agreements for debris box services with the following five companies, subject to approval as to form by the City Attorney:

1. Pacific Coast Recycling
2. Premier Recycling
3. Sonrise Consolidated
4. Stevens Creek Disposal and Recycling
5. Valley Recycling

\* **16. Approve Agreements with All Points Roll Off Inc. and Number 1 Disposal for Debris Box Services (Staff Contact: Kathleen Phalen, 586-3345)**

**Background:** In accordance with Title V, Chapter 200 of the Milpitas Municipal Code, debris box haulers are required to enter into a standard three-year agreement with the City that authorizes their collection and disposal of non-organic solid waste and/or construction and demolition debris. Staff researched the log of existing agreements and found two for All Points Roll Off Inc. and Number 1 Disposal that had not been presented to City Council for approval. Since the City Attorney advises that only the City Council can authorize these agreements, they are presented now for Council's approval.

The agreement form for both companies is a recently revised standard containing new insurance and compensation verification provisions identified by Finance Department staff and the City Attorney.

**Fiscal Impact:** None

**Recommendation:** Approve Agreements for debris box services with All Points Roll Off Inc. and Number 1 Disposal.

- \* 17. **Approve Second Amendments to Agreements for Debris Box Services with Allied Waste Services, Environmental Management Systems, and GreenWaste Recovery Doing Business as Ninety-Nine Dollar Debris Box (Staff Contact: Kathleen Phalen, 586-3345)**

**Background:** Debris box haulers are required to enter into a standard three-year agreement with the City authorizing them to collect and dispose of non-organic solid waste and/or construction and demolition debris. The City entered into separate agreements with Allied Waste Services, Environmental Management Systems, and GreenWaste Recovery doing business as Ninety-Nine Dollar Debris Box on April 19, 2005. The first amendment (which included a six month extension period) to these agreements included minor changes such as insurance requirements and contract language updates. This second amendment extends the agreement term through October 31, 2011, for each of these three companies. All other contract provisions remain unchanged.

**Fiscal Impact:** None

**Recommendation:** Approve Amendment No. 2 to the Agreements for debris box services with the following three companies, subject to approval as to form by the City Attorney:

1. Allied Waste Services
2. Environmental Management Systems
3. GreenWaste Recovery doing business as Ninety-Nine Dollar Debris Box

## **XIX. CLAIM AND DEMAND**

- \* 18. **Report to Council on Emergency Purchases from Cal-West Lighting and Pacific Air (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** In accordance with Milpitas Municipal Code, Section I-2-3.10, the Purchasing Agent must submit a report to the City Council describing the circumstances of the emergency purchase and the price of the purchase. Accordingly, Purchasing prepared the following report.

**Payment of \$5,754.43 to Cal-West Lighting**

The street lighting wiring was stolen along Barber Lane between Alder Dr. and McCarthy Blvd. The wiring had to be replaced immediately to ensure safe night light levels.

**Payment of \$12,391.38 to Cal-West Lighting**

The street lighting wiring was stolen along McCarthy Blvd. between Ranch Dr. and Dixon Landing Rd. The wiring had to be replaced immediately to ensure safe night light levels.

**Payment of \$6,386.87 to Pacific Air**

On February 26, Air Handler #16 at the Police Dept. failed and shut down. This unit provides heating and air circulation to Police records the Community Room and the lobby. The Police Dept. is a 24/7 operation, so maintaining the facility full time is critical.

**Total Fiscal Impact:** \$24,532.68. Funds are available from the Public Works Operating Budget for this purchase.

**Recommendation:** Receive the staff report on emergency purchases from Cal-West Lighting and Pacific Air.

## **XIX. ADJOURNMENT**