



**MILPITAS CITY COUNCIL MEETING AGENDA
OCTOBER 7, 2008**

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

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL (6:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION OF CITY COUNCIL**
- 1) CONFERENCE WITH LABOR NEGOTIATOR - COLLECTIVE BARGAINING**
(Pursuant to CA Government Code §54957.6) City Negotiator: Carmen Valdez
Employee Group: Milpitas Professional and Technical Group (ProTech)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
- 2) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to CA Government Code §54957. Position: City Attorney
- 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 – September 16, 2008**
- VII. SCHEDULE OF MEETINGS – Council Calendar for October 2008**
- VIII. PRESENTATIONS**

Proclamations:

- Help People with Intellectual Disabilities Days, October 17-18, 2008, Knights of Columbus – Milpitas Council #5796, and St. Elizabeth Council #8747
- Fire Prevention Week, October 5-11, 2008

Certificate of Appointment: Dilpreet Khalsa, appointed to Youth Advisory Commission

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 asterisk*)

XIV. PUBLIC HEARING

1. Approve Actions Related to Certifying the Supplemental Environmental Impact Report for the Midtown Specific Plan Transportation Element Update (Staff Contact: Jaime Rodriguez, 586-3335)

XV. UNFINISHED BUSINESS

2. Receive Staff Report on Sidewalk Improvements per the Americans with Disabilities Act (ADA) (Staff Contact: Greg Armendariz, 586-3317)

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (September 16, 2008)

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

PUBLIC HEARING – RA5 Only

RA5. Consider Approval of the 2004 – 2010 Merged Area Redevelopment Project Implementation Plan Mid-Cycle Update (Staff Contact: Diana Whitecar, 586-3059)

RA6. Receive Progress Report on the New Library and North Main Streetscape, Projects No. 8162 and No. 8165 (Staff Contact: Steve Erickson, 586-3414)

***RA7. Approve Amendment to Mid-Peninsula Housing Coalition Regulatory Agreement for DeVries Senior Housing Project (Staff Contact: Felix Reliford, 586-3071)**

***RA8. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Street Crack Seal FY 2008-09, Project No. 8194 (Staff Contact: Jaime Rodriguez, 586-3335)**

RA9. Agency Adjournment

XVII. REPORTS OF OFFICER AND COMMISSION

City Council

3. Request to Consider Measure B on the November 4, 2008 Ballot Regarding Additional Funding for Bay Area Rapid Transit to the South Bay (Contact: Mayor Esteves, 586-3029)

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

Recycling and Source Reduction Advisory Commission

5. Discussion Related to Commission Recommendation on serving water in Restaurants (Contact: Councilmember Gomez, 586-3031)

Parks, Recreation and Cultural Resources Commission

*** 6. Approve Thirteen Family Child Care Assistance Fund Grant Requests (Staff Contact: Toby Librande, 586-3077)**

XVIII. NEW BUSINESS

- * 7. **Request Approval to Re-open Street Light and Signal Pole Painting 2008, Project No. 4241, and Public Works Yard Parking Lot Expansion, Project No. 8083 (Staff Contact: Greg Armendariz, 586-3317)**
- * 8. **Request Waiver of Fees for Rotary Club's Annual Pumpkin Patch Event, Administrative Permit No. AD08-0015 (Staff Contact: Tiffany Kunsman, 586-3283)**
- * 9. **Approve Budget Appropriation for Project No. 4245, Minor Traffic Improvements 2009, for a 2007-08 Transportation Development Act Program Grant (Staff Contact: Jaime Rodriguez, 586-3335)**
- * 10. **Approve Budget Appropriation to Project No. 4248, Traffic Management Enhancements 2009, for the Transportation Fund for Clean Air (TFCA) Grant (Staff Contact: Jaime Rodriguez, 586-3335)**

XIX. RESOLUTIONS

- * 11. **Adopt a Resolution Granting Initial Acceptance of the 2008 Street Resurfacing Project, Project No. 4242 (Staff Contact: Jaime Rodriguez, 586-3335)**
- * 12. **Adopt Resolution Granting Initial Acceptance for Elm Trees in O'Toole Elm Park, Tract 9698 Terra Serena, Project No. 3160 (Staff Contact: Robert Wang, 586-3327)**

XX. BIDS AND CONTRACTS

- * 13. **Approve Amendment No. 1 to the Agreement with AppleOne for Professional Employment Services (Staff Contact: Veronica Bejines, 586-3271)**
- * 14. **Authorize the City Engineer to issue a Bidder Pre-Qualification Package for the Gibraltar Reservoir and Pump Station, Project No. 7101 (Staff Contact: Jorge Bermudez, 586-3404)**
- * 15. **Authorize the City Manager to Execute Amendment No. 4 to the Agreement with Dodson Pomas, Gibraltar Reservoir and Pump Station Project No. 7101, and Water System Seismic Improvements, Project No. 7100 (Staff Contact: Jorge Bermudez, 586-3404)**
- * 16. **Approve Contract with Managed Health Network Inc. for Employee Assistance Program Services (Staff Contact: Carmen Valdez, 586-3086)**

XXI. CLAIM AND DEMAND

- * 17. **Approve Payment Request to Mohawk Resources Ltd. for Hunter Alignment System (Staff Contact: Chris Schroeder, 586-3161)**

XXII. ADJOURNMENT

**NEXT REGULAR MEETING
TUESDAY, OCTOBER 21, 2008**

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

Materials related to an item on this agenda submitted to the City Council/Redevelopment Agency after initial distribution of the agenda packet are available for public inspection at the City Clerk's Office/Information Desk at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, and at the Milpitas Library during normal business hours.

BECOME A CITY COMMISSIONER!

Currently, there are openings for the:

Arts Commission

Emergency Preparedness Commission

Mobile Home Park Rental Review Board

Parks, Recreation and Cultural Resources Commission

Youth Advisory Commission (Alternate)

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. PUBLIC HEARING

1. **Approve Actions Related to Certifying the Supplemental Environmental Impact Report for the Midtown Specific Plan Transportation Element Update (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: The Midtown Specific Plan was adopted in 2002 as the guiding policy document for the Midtown area of Milpitas. The plan identifies opportunities for development, redevelopment and preservation including specific planning and design standards for the area. At its November 7, 2006 meeting, the City Council requested staff to study the reopening of Carlo Street at the intersection of Abel Street and Calaveras Boulevard to provide direct vehicular access to Main Street.

This study has concluded that the re-opening of Carlo Street at Calaveras Boulevard and Abel Street is not feasible. However, the study identified a feasible alternative to provide direct access to Main Street from Calaveras Boulevard by converting the existing Carlo Street on-ramp to Calaveras Boulevard to an off-ramp. The new off-ramp would be located approximately 100 feet east of Calaveras Boulevard and Abel Street. This concept has been approved by Caltrans.

The conversion of the Carlo Street/Calaveras Boulevard ramp, along with several other transportation enhancements that may benefit the Midtown area were studied in the Midtown Draft Supplemental Environmental Impact Report (DSEIR). The DSEIR was released for public comment from June 5, 2008 to July 25, 2008. Four comments were received during this period, and have been addressed in the SEIR. The DSEIR evaluates the traffic impacts that could result from the following proposed changes to the existing and planned roadway system in the Milpitas Midtown:

- 1) Conversion of the Carlo Street eastbound on-ramp to Calaveras Boulevard to an eastbound off-ramp;
- 2) Reduction of the number of lanes on S. Main Street from Abel Street to Great Mall Parkway from five lanes (two lanes in each direction with a center turn lane) to three lanes (one lane in each direction with a center turn lane);
- 3) Removal of the existing dedicated southbound right turn lane at the intersection of S Main Street and S Abel Street;
- 4) Elimination of the future construction of a second left turn lane from eastbound Calaveras Boulevard to northbound Abel Street;
- 5) Modification of the signal phasing at the intersection of Calaveras Boulevard and Abel Street to allow simultaneous southbound right turn and eastbound left turn movements;

A public meeting was held on Wednesday, June 18, 2008. The Final Midtown Specific Plan Supplemental Environmental Impact Report was released on September 5, 2008 for a 10-day review period.

Fiscal Impact: None.

Recommendations:

1. Move to close Public Hearing after hearing public testimony.
2. Adopt Resolution certifying the Midtown Supplemental Environmental Impact Report for the Midtown Specific Plan Transportation Element Update.

XV. UNFINISHED BUSINESS

- 2. Receive Staff Report on Sidewalk Improvements per the Americans with Disabilities Act (ADA) (Staff Contact: Greg Armendariz, 586-3317)**

Background: At the Council meeting held on September 16, 2008, the Mayor requested staff to provide an update report on the American with Disabilities Act (ADA) sidewalk improvements. The City has been actively engaged with the installation of ADA sidewalk improvements since the early 1990s. Staff will provide a report on work completed to date, current work, and remaining work, on this very important program, at the Council meeting.

Fiscal Impact: None.

Recommendation: Receive the staff report and provide staff with comments.

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. Call to Order by the Mayor/Chair**
- RA2. Roll Call**
- RA3. Approval of Minutes** (September 16, 2008)
- RA4. Approval of Agenda and Consent Calendar** (Items with asterisk*)

PUBLIC HEARING – RA5 Only

- RA5. Consider Approval of the 2004 – 2010 Merged Area Redevelopment Project Implementation Plan Mid-Cycle Update (Staff Contact: Diana Whitecar, 586-3059)**

Background: California Redevelopment Law requires all redevelopment agencies to adopt five year implementation plans that must include goals, objectives, proposed activities and estimated expenditures proposed by the Agency for the five-year period. In 2006, the Agency adopted the current five-year plan which covers July 2005 to June 2010.

Redevelopment law also requires that the Agency conduct a noticed Public Hearing at least once during the five-year period to review the status of the projects for which there had been activity prior to August 2008. Included in the agenda packet is the DRAFT 2004 – 2010 Merged Area Redevelopment Project Implementation Plan Mid-cycle Update. *All update comments in the plan regarding the status of projects or other updates are in italics with the deleted information in the right margin.*

Significant Fiscal Changes: The most significant change is the fund balance projections in Table B of the Update. When the 2004-2010 Implementation Plan was approved, staff projected that Redevelopment Agency fund balance would be negative by FY 2009-10. The tax increment revenues were estimated to grow from 3% to 4% annually, anticipating the increased valuation in projects such as the Centria and Terra Serena housing developments. In reality, the actual tax increments first decreased by 2% in FY 06-07 and then increased by 14% in FY 07-08. Based on information provided by the County Assessor, FY 08-09 tax increment revenue is projected to increase by another 11%. With these substantial increases in FY 07-08 and FY 08-09, the revised projection for the five-year period is a total increase of about \$16 million tax increment revenue. Other one-time revenue sources that contributed to the increase were the City Hall legal settlement for \$4.5 million and the sale of property to the County for \$1.8 million. The result is by the end of this five year period, the fund balance will be approximately \$34 million and consequently, the Agency has the ability to fund more capital improvement projects.

On the negative side, the recently approved state budget includes a budget trailer bill, AB 1389, which implements a one-time take-away payment from statewide redevelopment agencies totaling

\$350 million. This results in a local take-away of \$2.43 million from Milpitas Redevelopment Agency revenues to fund the Education Augmentation Revenue Fund (ERAF). In FY 02 through FY 05, the state used the same strategy to close its budget gaps. After the voter-approved Proposition 1A, the redevelopment agencies received a reprieve of two years in FY 06 and FY 07. Although the take away in FY 08-09 is intended to be one-time only, the redevelopment agency tax increment revenues continue to be at risk.

Significant Project Changes: Nearly one-half (11 of 25) of the capital improvement projects were completed during the first part of the Implementation Plan period, including the Milpitas Boulevard Signal Interconnect, the Main Sewer Pump Site Improvements, the Berryessa Pump Station Improvements, the Firing Range Lead Containment and Singley Area Phase 4 projects, the KB Home (Terra Serena) Infrastructure, the North Main Street EIR Mitigations, the Transit Area Specific Plan Phase I, Abel Street Improvements, the Midtown Parking Garage East and the Milpitas Communication Enhancements. Two projects (In-ground Water Clarifiers and the Milpitas Sports Center Master Plan Improvements Phase I) were defunded for higher priority work.

Housing Set-Aside Changes: In addition to the increase of funds for low and moderate-income housing developments, there were noticeable increases in the amount of housing provided by the Milpitas Agency. Every seven years, the Association of Bay Area Governments (ABAG) establishes new fair-share housing needs allocations and the Milpitas allocation increased from 2,195 total units to 2,487 units. Consistent with Milpitas' past performance, the Agency continues to create, working with private development, more affordable housing than is required. Through 2010, the Agency is projected to provide a total of 735 affordable housing units, up from 586 projected when the Implementation Plan was approved.

Public Noticing: The Mid-Cycle Update was advertised for public review and comments for three weeks in the local newspaper. Notices of the Public Hearing were posted at four locations within the merged area: the Barbara Lee Senior Center, the Police Substation at the Great Mall; the Starbucks on Bellew Drive and the main Police Station. No public comments were received at the time of agenda posting.

Fiscal Impact: There is no fiscal impact associated with this action.

Recommendations:

1. Following any comments, move to close the Public Hearing.
2. Approve the 2004-2010 Merged Area Redevelopment Project Implementation Plan Mid-Cycle Update.

RA6. Receive Progress Report on the New Library and North Main Streetscape, Projects No. 8162 and No. 8165 (Staff Contact: Steve Erickson, 586-3414)

Background:

Construction continues on the Library and Streetscape projects. Staff will provide a brief presentation on their progress.

Library Project No. 8162

S. J. Amoroso continues with finishes including installation of drywall; paint; code related signage; flooring; electrical; and plumbing fixtures. Initial building cleaning is also underway, and exterior site and landscaping work continues. Installation of south tower public art and furniture was scheduled to start September 29. The work remains on schedule and budget.

N. Main Streetscape, Phase II, Project No. 8165

The Notice to Proceed has been issued to the contractor. Work will be completed in stages starting with Main Street and the Winsor cul-de-sac. Work supporting the opening of the library will be completed by mid-December 2008. The work remains on schedule and budget.

Fiscal Impact: None.

Recommendation: Receive Progress Report on the new Library and North Main Streetscape Projects, No. 8162 and No. 8165.

***RA7. Approve Amendment to Mid-Peninsula Housing Coalition Regulatory Agreement for DeVries Senior Housing Project (Staff Contact: Felix Reliford, 586-3071)**

Background: At its meeting on August 16, 2005, the Agency approved the entitlement applications, Fair Use Report, and Disposition and Development Agreement (DDA) for the 103-unit DeVries Place Senior Housing Project at 163 North Main Street. Part of the DDA included the Regulatory Agreement, which establishes the long-term affordability within the project. Section 2.1 of the Regulatory Agreement states the following:

Section 2.1 Senior Housing. For a term of fifty-five (55) years commencing upon the date of issuance of the final certificate of occupancy for the Project no fewer than 102 of the dwelling units in the Project shall be restricted for occupancy by households in which at least one member is a person 62 years of age or older. Residency by other persons in such dwelling units shall be in compliance with Section 51.3 of the California Civil Code.

Recently, Mid-Peninsula Housing Coalition was informed by its attorney that pursuant to federal and state law, both members of a household must be at least 62 years of age or older. This fact this requires the Regulatory Agreement to be amended to reflect consistency with this requirement. Included in the Agency’s agenda packet are the amended Regulatory Agreement and a letter from Mid-Peninsula Housing Coalition.

Fiscal Impact: None.

Recommendation: Approve the amendment to the Regulatory Agreement for the DeVries Place Senior Housing Project, effective upon date of Agency approval.

***RA8. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Street Crack Seal FY 2008-09, Project No. 8194 (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: Plans and specifications for the subject project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project will seal existing street pavement cracks on the following streets to prevent further pavement damage from water intrusion, over the winter. The same streets will then receive street resurfacing treatments next year.

<u>Street</u>	<u>Segment</u>
Adam Avenue	Gadsden Drive to Temple Drive
Arana Court	Temple Drive to East End of Street
Brian Court	Michael Street to West End of Street
Calle Oriente	Park Victoria Drive to East End of Street
Dennis Avenue	Temple Drive to East End of Street
Evans Road	N Park Victoria Drive to Calle Oriente
Fair Hill Drive	Temple Drive to Spring Valley Lane
Gadsden Avenue	Adams Avenue to Ellis Avenue
Golden Hills Drive	Temple Drive to Spring Valley Lane
Kennedy Drive	Park Victoria Drive to Evans Road

Lynn Avenue
Michael Court
Michael Street
Milpitas Boulevard
Old Evans Road
Prada Court
Prada Drive
Quail Drive
Ramos Court
Santos Court
Serpa Drive
Simas Drive
Spring Valley Lane
Stemel Court
Stemel Way
Temple Drive
Traugher Street
View Drive

Adam Avenue to Kennedy Drive
Michael Street to West End of Street
Brian Court to Evans Road
Beresford Court to Tramway Drive
Kennedy Drive to Serpa Drive
Prada Drive to East End of Street
Kennedy Drive to Traugher Street
Simas Drive to East End of Street
Quail Drive to North End of Street
Stemel Way to North End of Street
Quail Drive to Old Evans Road
Kennedy Drive to Stemel Way
Golden Hills Drive to Fair Hill Drive
Stemel Way to North End of Street
Prada Drive to Evans Road
Calaveras Boulevard to Kennedy Drive
Park Victoria Drive to East End of Street
Temple Drive to Spring Valley Lane

The Engineer's Estimate for the work is approximately \$80,000. 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: Funds are available in the project budget.

Recommendations:

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

RA9. Agency Adjournment

XVII. REPORTS OF OFFICER AND COMMISSION

City Council

3. **Request to Consider Measure B on the November 4, 2008 Ballot Regarding Additional Funding for Bay Area Rapid Transit to the South Bay (Contact: Mayor Esteves, 586-3029)**

Background: At the City Council meeting on September 16, Mayor Esteves asked that the subject of Measure B be placed onto this meeting agenda.

Recommendation: Consider position on Measure B.

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

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

Bicycle Pedestrian Advisory Commission:

Appoint Wei P. Sun (current Alternate No. 1) as a regular member to a term that expires in August 2011.

Appoint Cheng-Wei Pei (current Alternate No. 2) as Alternate No. 1 to a term that expires in August 2010.

Newly Appoint Aaron Faupell as Alternate No. 2 to a term that expires in August 2009.

Community Advisory Commission:

Newly Appoint Bella Sangalang as Alternate No. 4 to a term that expires in January 2010.

Recycling and Source Reduction Advisory Commission:

Newly Appoint Garrett Dye as Alternate No. 2 to a term that expires in October 2010.

Youth Advisory Commission:

Newly Appoint Celine Cacho as Alternate No. 3 to a term that expires in September 2009.

Recommendation: Consider Mayor's recommendations for appointments to Commissions and vote on appointments.

Recycling and Source Reduction Advisory Commission

5. Discussion Related to Commission Recommendation on serving water in Restaurants (Contact: Councilmember Gomez, 586-3031)

Background: Councilmember Gomez has requested that the City Council discuss a Commission recommendation regarding serving water in restaurants.

Recommendation: Upon request of Councilmember Gomez, discuss issue regarding serving water in restaurants.

Parks, Recreation and Cultural Resources Commission

*** 6. Approve Thirteen Family Child Care Assistance Fund Grant Requests (Staff Contact: Toby Librande, 586-3077)**

Background: At its meeting on September 8, 2008, the Parks, Recreation and Cultural Resources Commission (PRCRC) reviewed thirteen Family Child Care Assistance Fund Grant Applications. All of the applications met eligibility guidelines. The PRCRC recommended the following grant allocations:

\$500 Sherry Clanton, Yan Ding, Mora Giltug, YuYing Lai, Carol Lynn Reed, Evangeline Robillos, Samiha Samawi, Sabrina Sheikh

\$444 Lisa Hodges

\$389 Victoria Burns, Francisca Diaz, Donna Egusa, Fauzia Salim

These applicants are eligible for full funding at the \$500 level, but the fund budget of \$6,000 prohibited fully funding all of the applicants. For additional details, refer to the attachments included in the agenda packet.

Fiscal Impact: Eligible applicants requested a total of \$6,500. The City Council approved \$6,000 for the Family Child Care Assistance Fund FY2008-09. All of these funds are currently available for distribution. If funding is approved, no funds will remain in this budget for the remainder of the fiscal year.

Recommendation: Approve funding from the Family Child Care Assistance Fund for grants to thirteen family child care providers (noted above) as recommended by the PRCRC.

XVIII. NEW BUSINESS

*** 7. Request Approval to Re-open Street Light and Signal Pole Painting 2008, Project No. 4241, and Public Works Yard Parking Lot Expansion, Project No. 8083 (Staff Contact: Greg Armendariz, 586-3317)**

Background: Capital Improvement Project No. 4241 Street Light and Signal Pole Painting 2008 and Project No. 8083 Public Works Yard Parking Lot Expansion were scheduled to close in June 2008. Staff requests to re-open the projects due to additional work to be done with a forthcoming grant.

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

Recommendation: Approve re-opening Capital Improvement Project No. 4241 Street Light and Signal Pole Painting 2008 and Project No. 8083 Public Works Yard Parking Lot Expansion.

- * **8. Request Waiver of Fees for Rotary Club's Annual Pumpkin Patch Event, Administrative Permit No. AD08-0015 (Staff Contact: Tiffany Kunsman, 586-3283)**

Background: The Milpitas Rotary Club is applying for its third annual pumpkin patch to be held from October 17 to 30 and located within the Milpitas Unified School District parking lot at 1331 East Calaveras Blvd. The applicant is requesting that the City Council waive \$639.00 in fees associated with obtaining approval for the event. Associated fees include the Planning Commission Subcommittee application filing fee (\$250.00), an electrical permit fee (\$142.00), and a Fire Prevention inspection fee (\$247.00). The City Council approved a \$500.00 fee waiver last year for this event.

Profits from the Pumpkin Patch are used to fund local Rotary service programs and international service programs. Many Rotarians are donating supplies to reduce the cost of the event, so that more funds will be available for service programs. Rotarians are also donating their time to staff the activities. Milpitas Rotary requests that the City fees be waived for this event to assist in making the event the most successful and to allow Rotary to continue its "Service Above Self" both locally and globally.

Fiscal Impact: Reduction in fee revenue of \$639.00.

Recommendation: Authorize the request by the Milpitas Rotary Club to waive up to \$639.00 in City fees associated with permitting its annual pumpkin patch.

- * **9. Approve Budget Appropriation for Project No. 4245, Minor Traffic Improvements 2009, for a 2007-08 Transportation Development Act Program Grant (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: The City submitted a grant proposal in April in response to the Metropolitan Transportation Commission's (MTC) call-for-projects for the 2007-08 Transportation Development Act (TDA) – Article 3 Fund Program for the Enhanced Crosswalk Improvements – Phase I project. The project includes the construction of American Disabilities Act (ADA) ramps sidewalks and the deployment of high-visibility roadway markings and signs at intersections along Suggested Routes to Schools.

MTC notified the City that the grant in the amount of \$42,285 has been approved and will be funded and has authorized the City to begin work on the project. Staff recommends a budget appropriation of this grant funding to Project No. 4245 – Minor Traffic Improvements 2009.

Fiscal Impact: None. The MTC – TDA Grant will reimburse the City for the costs of the above improvements.

Recommendation: Approve a budget appropriation to Project No. 4245, Minor Traffic Improvements 2009, for a Grant from the MTC 2007-08 TDA Program.

- * **10. Approve Budget Appropriation to Project No. 4248, Traffic Management Enhancements 2009, for the Transportation Fund for Clean Air (TFCA) Grant (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: On February 29, 2007 the City submitted a grant proposal to the Valley Transportation Authority (VTA) in response to their Call-for-Projects for the 2008-09 TFCA program requesting \$694,000 to upgrade the City's Traffic Signal Management System.

The project will replace traffic signal controllers, conflict monitors, and communications equipment at the City's 69 traffic signals along with the existing Vehicle Management System (VMS) located at Public Works. A citywide traffic signal retiming will also be provided with the project. A copy of the original grant proposal is attached for additional background information.

The proposal has been approved by both the VTA and the Metropolitan Transportation Commission (MTC) and due to the availability of additional funds in the grant program, MTC also increased the grant allocation to \$775,000. The total cost of the project is \$940,000 which requires an 18% local match from the City of \$165,000.

The project will be implemented over three-phases to minimize impacts to traffic and to allow for maintenance of the existing traffic signal management system while the new system is constructed. A Request for Proposals for design of Phase I improvements will be released in the Fall 2008.

Fiscal Impact: Funds for the project consisting of a local match of \$165,000 and a grant in the amount of \$775,000 are listed.

FUNDS

CP4248 Traffic Enhancements 2009	\$ 60,000
CP4237 Traffic Enhancements 2007	\$ 96,000
CP4241 Streetlight/TS Pole Painting	\$ 9,000
TFCA Grant	<u>\$775,000</u>
Total	\$940,000

Recommendations:

1. Close Project No. 4237 and partially defund Project No. 4241 in the amount of \$9,000.
2. Approve Budget Appropriation for Project No. 4248, Traffic Management Enhancements 2009, in the amount of \$880,000 for the Traffic Signal Management System Project, with \$775,000 to be paid by a TFCA grant and \$105,000 from the Street Fund.

XIX. RESOLUTIONS

- * **11. Adopt a Resolution Granting Initial Acceptance of the 2008 Street Resurfacing Project, Project No. 4242 (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: City Council at its April 1, 2008 meeting awarded this project to DeSilva Gates Construction for street resurfacing work. The project has been successfully completed and staff recommends that the City Council grant initial acceptance of the project and authorize reduction of the contractor's faithful performance bond to 10% of the contract amount or \$271,586.

The following street segments were improved by the project with roadway resurfacing treatments including the installation of new roadway markings:

<u>Street</u>	<u>Segment</u>
Arizona Avenue	Jacklin Road to North of Oregon Way
Dempsey Road	Yosemite Drive to Chewpon Avenue
Gadsden Drive	Calaveras Boulevard to Canton Drive
Hammond Way	400-ft North of Curtis Avenue to End-of-Street
Landess Avenue	Park Victoria Drive to Clear Lake Avenue
Louise Court	Entire Segment
Milpitas Blvd.	Tramway Drive and Hanson Court
Pecten Court	Entire Segment
Silvera Street	Entire Segment
Smithwood Street	Marylenn Drive to Rudyard Drive,
Temple Drive	Calaveras Boulevard to Canton Drive
Watson Court	Entire Segment

Yosemite Drive Sinclair Frontage Road to Vista Way

The following street segments were also improved by the project but received only repair of base failures:

<u>Street</u>	<u>Segment</u>
N McCarthy Blvd.	State Route 237 to Northerly City Limits
Ranch Dr	Entire Segment

Fiscal Impact: None

Recommendation: Adopt a Resolution granting the Initial Acceptance of the 2008 Street Resurfacing Project, Project No. 4242 subject to a one year warranty period and authorize the reduction of the contractor's faithful performance bond to \$271,586.

- * 12. **Adopt Resolution Granting Initial Acceptance for Elm Trees in O'Toole Elm Park, Tract 9698 Terra Serena, Project No. 3160 (Staff Contact: Robert Wang, 586-3327)**

Background: On April 15, 2008, the City entered into a Delayed Item Agreement with KB Home South Bay Inc., and partially accepted certain public improvements as part of its residential development on South Abel Street. The elm trees in O'Toole Elms Park, which was one of the delayed items, have successfully completed the plant establishment period, and the work is ready for initial acceptance, subject to the usual one-year warranty period in accordance with the Subdivision Improvement Agreement. The developer's faithful performance bond for O'Toole Elms Park may be reduced to \$77,420, which is 10% of the original amount.

Fiscal Impact: None

Recommendation: Adopt a Resolution granting initial acceptance of the Elm trees in O'Toole Elms Park and authorize reduction in penal sum of the subdivision improvement bond.

XX. BIDS AND CONTRACTS

- * 13. **Approve Amendment No. 1 to the Agreement with AppleOne for Professional Employment Services (Staff Contact: Veronica Bejines, 586-3271)**

Background: In March 2008, the City entered into a contract with AppleOne Employment Services to perform filing, data entry and clerical duties. The original terms of the contract were for an amount not to exceed \$19,600 through March 16, 2009. Amendment No. 1 is recommended to add \$1,790 to the total contract amount.

Fiscal Impact: No fiscal impact because the funds are available in the Planning Division's consultant services budget.

Recommendation: Approve Amendment No. 1 to the Agreement with AppleOne for a Employment Services Contract for the not-to-exceed amount of \$21,390.

- * 14. **Authorize the City Engineer to issue a Bidder Pre-Qualification Package for the Gibraltar Reservoir and Pump Station, Project No. 7101 (Staff Contact: Jorge Bermudez, 586-3404)**

Background: Staff is preparing construction documents for a major rehabilitation of the Gibraltar Reservoirs and Pump Station. Work includes replacement of selected diesel engines with electric motors and controls, installation of a new back-up generator; seismic upgrades, construction of a new control room, and other miscellaneous improvements. A preliminary total cost estimate range for the work is \$7 million to \$9 million.

Due to the specialized nature of the work, construction contract amount and the need for continual use of this critical facility during the construction period, staff is recommending

prequalification of potential bidders for this project. Staff has prepared a bidder pre-qualification package which allows interested bidders to preview the project plans and specifications prior to the project bid schedule for late fall 2008. Interested bidders will then submit their qualifications to the City for review and approval. Only bidders who have been approved through the pre-qualification process will be authorized to submit bids for the project.

Fiscal Impact: None

Recommendations: Authorize the City Engineer to issue a bidder pre-qualification package for the Gibraltar Reservoir and Pump Station, Project No. 7101.

- * 15. **Authorize the City Manager to Execute Amendment No. 4 to the Agreement with Dodson Psomas, Gibraltar Reservoir and Pump Station Project No. 7101, and Water System Seismic Improvements, Project No. 7100 (Staff Contact: Jorge Bermudez, 586-3404)**

Background: On April 3, 2007, the City Council approved a consultant agreement with Dodson Psomas to provide professional engineering and design services for the Gibraltar Reservoir and Pump Station rehabilitation project. Subsequently, three agreement amendments were approved by Council for the Curtis Well Upgrade Project, seismic and structural analysis of the existing Gibraltar Pump Station, and design of a new control room for the Gibraltar Pump Station.

Staff now recommends that Dodson Psomas perform additional services for seismic and structural analysis of the reservoirs, perform a solar feasibility study, include provisions for Supervisory Control and Data Acquisition (SCADA), provide construction support, and incorporate chemical feed and analysis instrumentation for the Gibraltar Pump Station. Amendment No. 4 to the agreement with Dodson Psomas is proposed for these additional services. Staff negotiated a scope and not-to-exceed fee of \$462,158, which is considered reasonable for the work. Approval of this agreement amendment brings the total contract amount to \$1,051,804.00.

Fiscal Impact: None. Sufficient funds are available in the project budgets. An amount of \$40,000 will be charged to the Water System Seismic Improvements Project No. 7100. The remaining funds are available in the project budget.

Recommendation: Authorize the City Manager to execute the amendment No. 4 with Dodson Psomas in the amount of \$462,158 for work on Project No. 7101, subject to approval as to form by the City Attorney.

- * 16. **Approve Contract with Managed Health Network Inc. for Employee Assistance Program Services (Staff Contact: Carmen Valdez, 586-3086)**

Background: Managed Health Network, Inc. (MHN) provides counseling assistance services for the City's employees and their families. Staff recommends approval of the MHN contract effective October 1, 2008 with no increase.

Fiscal Impact: There are sufficient funds allocated in the Human Resources Departmental 2008-09 final budget.

Recommendation: Authorize the City Manager to enter into a contract for an employee assistance program with Managed Health Network for the period of October 1, 2008 through December 31, 2009, not to exceed \$35,954.28, subject to approval by the City Attorney.

XXI. CLAIM AND DEMAND

- * 17. **Approve Payment Request to Mohawk Resources Ltd. for Hunter Alignment System (Staff Contact: Chris Schroeder, 586-3161)**

Background: In accordance with Ordinance No. 23.10, Purchasing prepared one request over \$20,000 for approval.

The old alignment system in Fleet Maintenance is approximately 25 years old and has outlived its useful life. Therefore, there is a need to procure a replacement alignment system through the State of California contract which is allowed under Section I-2-3.08 "Cooperative Procurement" of the Municipal Code. The new system is manufactured by the Hunter Engineering Company and is a Hunter Aligner Model No. WA243. The system is composed of four cameras, a computerized control cabinet, with report printer, special aligning tools, "wheel off" adaptors, rim stud extension kit, and four (4) DSP600 Live Ride Height Target sensors, and training manuals. Training on the new system is included in the price, as is a one (1) year warranty for parts and services.

Fiscal Impact: \$27,458. The purchase was approved in the current year operating budget with funding available from the Equipment Replacement Fund.

Recommendation: Approve the payment request to Mohawk Resources Ltd. for the Hunter alignment system for the not-to-exceed price of \$27,458.

XXII. ADJOURNMENT

**NEXT REGULAR MEETING
TUESDAY, OCTOBER 21, 2008**