



**MILPITAS CITY COUNCIL MEETING AGENDA
MILPITAS REDEVELOPMENT AGENCY MEETING AGENDA**

TUESDAY, OCTOBER 6, 2009

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

SUMMARY OF CONTENTS

- I. CALL TO ORDER OF THE CITY COUNCIL by the Mayor**
- II. ROLL CALL by the City Clerk (6:30 p.m.)**
- III. 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 Supervisors Association (MSA)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
- 2) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to CA Government Code § 54956.9, Andrew Smith vs. City of Milpitas, Workers’
Compensation Appeals Board - Claim No. SJO 199815
- IV. 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
- V. PLEDGE OF ALLEGIANCE**
- VI. INVOCATION (Councilmember Giordano)**
- VII. APPROVAL OF COUNCIL MEETING MINUTES - September 15, 2009**
- VIII. SCHEDULE OF MEETINGS – Council Calendar for October 2009**
- IX. PRESENTATIONS**
- Proclamations
- Make a Difference Day – October 24, 2009
 - Help People with Intellectual Disabilities Days – October 16-18, 2009
 - Fire Prevention Week – October 4-10, 2009
- X. 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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- XI. ANNOUNCEMENTS**
- X11. ANNOUNCEMENT OF CONFLICT OF INTEREST**

XIII. APPROVAL OF AGENDA

XIV. CONSENT CALENDAR (Items with asterisk*)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XV. PUBLIC HEARING

- 1. Administrative Appeal of City Manager Decision Upholding Fire Inspection Fees Invoiced to Mr. Peter Nelson for Years 2004, 2005, and 2006 (Staff Contact: Bryan Otake, 586-3042)**

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Minutes – September 15, 2009

RA3. Approval of Agenda and Consent Calendar (Item with asterisk*)

RA4. Receive Senior Center Project Progress Report and Approve Advertisement, Bidding, and Purchase of Furniture, Fixtures, and Equipment Packages, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)

RA5. Approve Plans and Specifications for Library Donor Board and Authorize the Advertising for Bid Proposals, Project No. 8162 (Staff Contact: Steve Erickson, 586-3301)

RA6. Adopt a Resolution Accepting the Preliminary Plan for the Area Proposed to be Added to the Milpitas Redevelopment Project Area No. 1 by the Proposed Thirteenth Amendment and Authorize the Preparation of the Preliminary Report to Affected Taxing Entities (Staff Contact: Diana Barnhart, 586-3059)

***RA7. Authorize the City Engineer to Execute a Contract Change Order with Median Mulch & Street Tree Maintenance for Great Mall Parkway, Light Rail Median Landscaping, Project No. 2001 (Staff Contact: Steve Erickson, 586-3301)**

RA8. Agency Adjournment

XVII. REPORTS OF MAYOR AND COMMISSION

- * 2. Consider Mayor's Recommendations for Appointments/Re-appointments to Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

Parks, Recreation and Cultural Resources Commission

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

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

XVIII. NEW BUSINESS

5. **Receive Presentation by Dave Hyams from Alameda County Congestion Management Agency (CMA) on the I-680 Express Lanes Construction (Staff Contact: Greg Armendariz, 586-3317)**
6. **Receive 2005 Greenhouse Gas Emissions Inventory Report and Proposed Energy Efficiency Actions (Staff Contacts: Diana Barnhart, 586-3059, and Greg Armendariz, 586-3317)**
- * 7. **Approve a Recommendation to Participate in the Proposed “Stay and Shop” Program (Staff Contact: Diana Barnhart, 586-3059)**
- * 8. **Consideration of the City Council Meeting Schedule for 2010 (Staff Contact: Mary Lavelle, 586-3001)**

XIX. RESOLUTIONS

- * 9. **Adopt a Resolution Granting Initial Acceptance of the Water System Connection Improvements, Spring Valley Heights Association, Project No. 3163 (Staff Contact: Fernando Bravo, 586-3328)**
- * 10. **Adopt a Resolution Granting Initial Acceptance of the Water System Air Relief Valve Modifications Phase III, Project No. 7086 (Staff Contact: Steve Erickson, 586-3301)**
- * 11. **Adopt a Resolution to Accept the 2009 Edward Byrne Justice Assistance Grant (JAG) Administered by the San Jose Police Department (Staff Contact: Henry Kwong, 586-2419)**

XX. BIDS AND CONTRACTS

- * 12. **Waive Minor Bid Irregularity and Award a Construction Contract to CRW Industries, Inc. for the Alviso Adobe Renovation, and Authorize the City Manager to Execute the Second Amendment to the Agreement with Gil Sanchez Architecture, Project No. 5055 (Staff Contact: Steve Erickson, 586-3301)**
- * 13. **Approve a Non-Exclusive Collection, Transportation, and Recycling Debris Agreement with Eagle Recycling Inc. (Staff Contact: Kathleen Phalen, 586-3345)**
- * 14. **Approve a Non-Exclusive Collection, Transportation, and Recycling Debris Agreement with Qualified Trucking (Staff Contact: Kathleen Phalen, 586-3345)**
- * 15. **Award the Bid for Annual Clothing Requirements for Public Works and Park and Recreation Services Employees to Prolific Holdings Inc. for the Annual Not-to-Exceed Amount of \$17,475.02 (Staff Contact: Chris Schroeder, 586-3161)**
- * 16. **Award the Bid and Authorize the City Manager to Execute a Contract with Repipe Specialists Inc. for Replumbing Fire Station No. 2 for the Not-to-Exceed Amount of \$26,080 (Staff Contact: Chris Schroeder, 586-3161)**
- * 17. **Authorize the City Engineer to Execute the Transportation Fund for Clean Air Bicycle Rack Grant Agreement with the Santa Clara Valley Transportation Authority (Staff Contact: Fernando Bravo, 586-3328)**
- * 18. **Authorize the City Manager to Execute a Consulting Services Agreement with Winzler & Kelly for Ayer Reservoir and Pump Station Improvements, Project No. 7102 (Staff Contact: Steve Erickson, 586-3301)**

XXI. CLAIM AND DEMAND

- * 19. Approve Payment Request to TriTech for Annual Renewal of Software Support for the 911 Dispatch System (Staff Contact: Chris Schroeder, 586-3162)**

XXII. ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY, OCTOBER 20, 2009

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 City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Fax: 408-586-3056 / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council/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, during normal business hours.

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist for the:

- Arts Commission and Public Art Committee*
- Bicycle Pedestrian Advisory Commission*
- Community Advisory Commission (alternate)*
- Emergency Preparedness Commission (Chamber rep.)*
- Mobile Home Park Rental Review Board*
- Recycling and Source Reduction Advisory Commission*
- Senior Advisory 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

TUESDAY, OCTOBER 6, 2009

XV. PUBLIC HEARING

1. **Administrative Appeal of City Manager Decision Upholding Fire Inspection Fees Invoiced to Mr. Peter Nelson for Years 2004, 2005, and 2006 (Staff Contact: Bryan Otake, 586-3042)**

Background: Under the Milpitas Municipal Code, a person has the right to challenge the amount of City fees in an administrative proceeding. On January 13, 2006, Peter Nelson, the owner of a four-unit apartment building at 1139 Calle Oriente in Milpitas, appealed the amount of City fire inspection fees for his property for the years 2004, 2005, and 2006. Then-City Manager Charles Lawson rejected the challenge and upheld the fees for Nelson's property.

On February 17, 2006, Nelson appealed the City Manager's decision to the City Council. The matter was then delayed by agreement between both sides, so that attempts could be made to settle the matter. Settlement attempts have proven unsuccessful. The matter is now ready to be considered by the City Council.

Under the Milpitas Municipal Code, the City Council has some discretion as to how to deal with administrative challenges of City fees. Both Nelson and the Fire Department have submitted written materials about the amount and legality of fees Nelson owes on his property for fire safety inspections. Those arguments are included in the Council meeting materials. The City may—if it wishes—hold a public hearing on the matter. On the other hand, the Milpitas Municipal Code also allows the Council to conduct an investigation of the matter or to simply decide the matter in open session based solely on the written submissions of the parties.

The Council may therefore initially wish to decide, when considering this matter, as to what process it wishes to use. If the City Council wishes to hold a public hearing, the parties will have to follow a set of procedural rules that comply with state law. These rules are included in the Council materials.

After the Council reaches a decision on this matter, the City Attorney's Office will then reduce the Council's decision to writing, as required by the Milpitas Municipal Code.

Fiscal Impact: None.

Attachments:

1. Rules for City Council consideration of an appeal of City fees
2. Procedural history index and documents
3. Written submissions of party positions and supporting documentation

Recommendations:

1. Determine whether to: (a) hold a public hearing on the matter; (b) direct one or more City Councilmembers to conduct an investigation of the matter; or (c) discuss the matter in open session based solely upon the written papers.
2. If a decision is made by the Council at this meeting, direct the City Attorney to memorialize the Council decision in writing. Alternatively, provide other direction to staff.

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Minutes – September 15, 2009

RA3. Approval of Agenda and Consent Calendar (Item with asterisk*)

RA4. Receive Senior Center Project Progress Report and Approve Advertisement, Bidding, and Purchase of Furniture, Fixtures, and Equipment Packages, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)

Background: The contractor Swenson & Associates continues with site work, roofing and wall framing and building exterior. The project is on schedule and within budget.

The Furniture, Fixtures, & Equipment (FF&E) packages for the Senior Center were presented to the Neighborhood Services and Education Subcommittee in August for recommendation. Staff is now seeking approval from Agency/Council to bid and purchase the various FF&E packages. New office furniture will be purchased through the California Multiple Award Schedules (CMAS) procurement program, which is permitted under Section I-2-3.08 "Cooperative Procurement" of the City's Purchasing Section of the Municipal Code, and this process has been approved by the City Attorney. Purchasing through CMAS will provide guaranteed pricing that has been established by bid through another larger government entity. Other FF&E items that are not available through CMAS will either be publicly bid or purchased directly through the City's purchase order process.

The Engineer's Estimate for all four package items is \$455,000, and the Project Cost Plan Budget for FF&E is \$800,000, which includes the FF&E contingency.

<u>Package</u>	<u>Estimated Cost</u>	<u>Purchase Type</u>
1) Chairs, tables, benches, work stations	\$325,000 (actual)	CMAS
2) Exercise Equipment	\$80,000	Bid
3) Technology (computers, phones)	\$40,000	Bid
4) Misc. Small items (pool & ping pong tables, TV's)	\$10,000	Bid
	Total: \$455,000	

Project staff will provide additional project progress information at the Council meeting.

Fiscal Impact: None. FF&E for the project is within the project cost plan.

Recommendations:

1. Receive Senior Center Project Progress Report, Project No. 8176.
2. Approve advertisement, bidding, and purchase of Furniture, Fixtures, and Equipment packages for the Senior Center.

RA5. Approve Plans and Specifications for Library Donor Board and Authorize the Advertising for Bid Proposals, Project No. 8162 (Staff Contact: Steve Erickson, 586-3301)

Background: Plans and Specifications for installation of a donor board for the new Milpitas Public Library are complete and are ready for approval and advertisement for construction bid proposals. Two donor board concepts were presented to the Library Advisory Commission (LAC) on July 20, 2009 for recommendation. The concepts were designed to compliment the design and finishes within the new library. The recommended concept was Option "A," which is designed to represent books on end in shelf, and replicates the imprinted art image of the south tower glass. The LAC recommended a modified version of Option "A" to represent books laying or stacked horizontally on shelf instead of "vertical" stacks, for ease of reading the donor names.

The Engineer's Estimate for fabrication and installation of a single donor board is \$10,000, and there are sufficient funds within the project for this expense. Staff will provide a visual presentation of the donor board concepts at the Agency/Council meeting.

Fiscal Impact: None.

Recommendation: Approve the Plans and Specifications for the Library Donor Board and authorize the advertising for bid proposals, Library Project No. 8162.

- RA6. Adopt a Resolution Accepting the Preliminary Plan for the Area Proposed to be Added to the Milpitas Redevelopment Project Area No. 1 by the Proposed Thirteenth Amendment and Authorize the Preparation of the Preliminary Report to Affected Taxing Entities (Staff Contact: Diana Barnhart, 586-3059)**

Background:

History of Redevelopment in Project Area No. 1 and Proposed Amendment

The Milpitas Redevelopment Project Area No. 1 (“Project Area”) contains approximately 2,230 acres. The original Redevelopment Plan for Project No. 1 (“Redevelopment Plan” or “Plan”) was adopted by the City Council by Ordinance No. 192 on September 21, 1976, and consisted of approximately 577 acres (“Original Project Area”). Territory has been added to the Project Area three times. In 1979, 483 acres were added (“Amendment Area No. 1”), in 1982, 472 acres were added (“Amendment Area No. 2”) and in 2003, 691 acres were added (“Midtown Added Area”). In total, the Redevelopment Plan has been amended twelve times.

The Milpitas Redevelopment Agency (“Agency”) is now proposing to: 1) extend by 10 years the Redevelopment Plan effectiveness time limit and time period to repay debt/collect tax increment for the Original Project Area and Amendment Area Nos. 1 and 2 (“Amendment Areas”); 2) add territory totaling approximately 600 acres (“Thirteenth Amendment Added Area” or “Added Area”); 3) add projects and facilities to the list of eligible projects and facilities the Agency may fund; and 4) make certain technical corrections, revise and update the various text provisions within the Redevelopment Plan to conform to the requirements of Community Redevelopment Law (CRL). Collectively, the amendments are referred to as the “Thirteenth Amendment” or “Amendment.”

The proposed 10-year extension of Plan effectiveness and time period for collection of tax increment/repayment of debt would provide the Agency with additional tax increment revenue from the Project Area, which is needed to fund the completion of the Agency’s redevelopment program for blight elimination and production of affordable housing. Given the severe downturn in the economy, the additional 10 years of Plan effectiveness is also needed to provide time to complete the Agency’s projects and programs, which will be largely based upon private sector initiation of the rehabilitation and redevelopment of remaining blighted sites within Project Area No.1. The additional 10 years will also provide needed time for the Agency to implement an extensive infrastructure improvement program.

The Thirteenth Amendment Added Area includes two multiple family residential areas referred to as the Adams and Selwyn/Shirley Subareas. These areas are being considered for inclusion in a redevelopment project to continue the City’s efforts to alleviate blighting conditions in these areas. The City, exclusive of the Agency, has been working with property owners and managers over several years to alleviate code violations and deter crime, particularly gang activity. Although these efforts produced short term improvements, these residential areas continue to be impacted by blighting conditions. Redevelopment is proposed as another tool to improve these areas. As a result of a high industrial vacancy rate and aging and obsolete buildings, the Agency is also proposing to include a portion of the Town Center in a redevelopment project. The Agency is proposing to assist in rehabilitating and redeveloping property to meet contemporary user needs, thereby reducing vacancies and increasing property values.

The Redevelopment Plan includes a description of public improvements and facilities that the Agency may install or construct or caused to be installed or constructed. The description of public improvements is also being updated and expanded as necessary to reflect the Agency’s anticipated public improvement projects and facilities over the remaining effectiveness period of the Redevelopment Plan.

Finally, the Agency is proposing to make certain technical corrections to the Redevelopment Plan to update and clarify the provisions of the Redevelopment Plan. Collectively, the amendments are referred to as the “Thirteenth Amendment” or “Amendment.” The proposed Amendment will be incorporated in a new Amended and Restated Redevelopment Plan that will apply to the Existing Project Area and Added Area.

Adoption of Preliminary Plan Resolution

Proposed Action

On August 4, 2009, the City Council adopted Resolution No. 7909 designating a redevelopment survey area (“Survey Area”) encompassing the proposed Thirteenth Amendment Added Area for study for possible inclusion in a redevelopment project. The Council’s action included direction to the Planning Commission to formulate a Preliminary Plan and related documents for redevelopment of the Thirteenth Amendment Added Area.

On August 28, 2009, Agency staff sent a notice to the school districts serving the Thirteenth Amendment Added Area asking them for a projection of any change in the need for school facilities due to the proposed redevelopment of the Thirteenth Amendment Added Area. The information provided by the schools and the Agency’s projection in the increase in the number of persons within the Added Area will be sent to the Department of Finance (DOF). The Agency anticipates receiving the impact analyses from the school districts by the end of September at which time the impact analyses and the Agency’s population growth projection for the Thirteenth Amendment Added Area will be forwarded to the DOF. The DOF is directed to prepare a report on the effect of the adoption of the Thirteenth Amendment on the State’s budget.

On September 9, 2009, by Resolution No. 09043, the Planning Commission selected the boundaries of the proposed Thirteenth Amendment Added Area and approved the Preliminary Plan. The proposed Added Area boundaries are somewhat smaller than what was adopted by the City Council as the Survey Area. After the Planning Commission approved the Preliminary Plan, Agency staff on September 11, 2009, sent notice to the County auditor, assessor, taxing agencies and State Board of Equalization (SBE) of the intent to amend the Redevelopment Plan and provided them with certain information. This included notifying the above entities of the intent to use 2009-10 as the base year assessment roll for the allocation of tax increments from the Thirteenth Amendment Added Area. The base year is determined by the anticipated date of adoption of the Thirteenth Amendment. The schedule anticipates that the Thirteenth Amendment will be adopted in April or May of 2010, which would be fiscal year 2009-10.

The action before the Agency is to accept the Preliminary Plan and authorize preparation of the Preliminary Report.

Purpose and Contents of the Preliminary Plan

The Preliminary Plan formally defines the boundaries and states the general goals and objectives for redevelopment of the Thirteenth Amendment Added Area. The Preliminary Plan includes a map and legal description of the Thirteenth Amendment Added Area. The Preliminary Plan provides the basis for redevelopment of the Thirteenth Amendment Added Area and the official Thirteenth Amendment to the Redevelopment Plan, as it pertains to the redevelopment of the Thirteenth Amendment Added Area, must be based upon the Preliminary Plan.

Outlined below are the specific required components of the Preliminary Plan as defined by California Redevelopment Law (“CRL”) Section 33324, with a description of how the required elements are satisfied in bold italics:

- (a) Describes the boundaries of the project area (in this case the Thirteenth Amendment Added Area)

The Preliminary Plan includes a map of the proposed Thirteenth Amendment Added Area and a legal description text describing the boundaries of the Thirteenth Amendment Added Area prepared by a Civil Engineer.

- (b) Contains a general statement of the land uses, layout of principal streets, population densities and building intensities, and standards proposed as the basis for the redevelopment of the project area (in this case, the Thirteenth Amendment Added Area)

The Preliminary Plan references the General Plan and states that the land uses in the Thirteenth Amendment Added Area shall be those described in the General Plan as they currently exist or may be amended from time to time. The Preliminary Plan also makes applicable to the redevelopment of the Thirteenth Amendment Added Area the development standards defined in the General Plan, zoning and all other applicable codes and ordinances as they presently exist and as they may be amended from time to time.

- (c) Show how the purposes of this part would be attained by redevelopment

The “purposes of this part” refers to the goals and requirements of CRL. The Preliminary Plan includes the definitions of blight, what blighting conditions have been preliminarily identified in the Thirteenth Amendment Added Area and the general types of activities that the Agency can undertake to eliminate the blighting conditions.

- (d) Shows that the proposed redevelopment is consistent with the community’s general plan

The Preliminary Plan and subsequent Thirteenth Amendment to the Redevelopment Plan must be consistent with the General Plan. The Preliminary Plan incorporates existing General Plan land uses and policies as guiding redevelopment of the Thirteenth Amendment Added Area and does not propose any activities not permitted by the General Plan.

- (e) Describes, generally, the impact of the proposed redevelopment upon the area’s residents and upon the surrounding neighborhood

The Preliminary Plan states that in general redevelopment will be positive and revolve around improvements to public facilities and services, and environmental quality, creation of new employment opportunities, and expansion of economic development and housing opportunities.

Authorization to Prepare the Preliminary Report

The County officials charged with the responsibility of allocating taxes will send to Agency staff a base year report. The base year report will include the total value of all property within the Thirteenth Amendment Added Area, identification of all taxing agencies sharing in the property taxes within the boundaries of the Thirteenth Amendment Added Area, the percent of the taxes that each entity receives and the estimated first year of tax increments from the Thirteenth Amendment Added Area. This information will be incorporated in the preparation of the Preliminary Report. The Preliminary Report will include blight and financial feasibility findings, including a tax increment projection and the pass-through to each of the taxing entities.

Next Steps

As described above, on September 11, 2009, the Agency transmitted the notice of intent to amend the Redevelopment Plan to the County officials, taxing agencies and State Board of Equalization (SBE).

The SBE’s role in the process is to define the tax rate area from which the tax increments from the Thirteenth Amendment Added Area will be calculated. Within 60 days, the County officials will transmit to the Agency a base year report. Following receipt of the base year report (or 60 days), the Agency will send the Preliminary Report to all the entities mentioned above including

the Department of Housing and Community Development. With the transmittal of the Preliminary Report, the Agency will offer to consult with the various taxing agencies.

Fiscal Impact: None. There is no fiscal impact associated with this action.

Recommendation: Adopt a resolution accepting the Preliminary Plan and authorizing preparation of the Preliminary Report and implementing other required actions.

- *RA7. Authorize the City Engineer to Execute a Contract Change Order with Median Mulch & Street Tree Maintenance for Great Mall Parkway, Light Rail Median Landscaping, Project No. 2001 (Staff Contact: Steve Erickson, 586-3301)**

Background: The City Council awarded this project to Forster & Kroeger, Inc. on December 19, 2006. The project provided for two years' landscape maintenance of the median mulch and street trees along Great Mall Parkway from Interstate 880 east to the City limits. The work includes trash and weed removal, replacement of median mulch, and damaged street trees as necessary.

Staff recommends that this contract be extended for an additional nine months until such time as the Great Mall Median Landscaping project begins construction later this year. Staff has negotiated a change order with the contractor for a cost not to exceed \$4,500 for this additional work, which is considered reasonable. Staff recommends the approval of this Change Order.

Fiscal Impact: None. Sufficient funds are available in the project budget for the additional costs associated with this Change Order.

Recommendation: Authorize the City Engineer to execute the Contract Change Order for Forster & Kroeger, Inc. in the amount not to exceed \$4,500 for the Light Rail Median Landscaping, Project No. 2001.

RA8. Agency Adjournment

XXI. REPORTS OF MAYOR AND COMMISSION

- * 2. Consider Mayor's Recommendations for Appointments/Re-appointments to Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood recommends the following Milpitas residents be appointed or re-appointed to two Milpitas Commissions:

Arts Commission

Re-appoint Harriet McGuire to a term that expires in October 2012.

Re-appoint Donine Ettinger to a term that expires in October 2012.

Appoint Tess Santos (current Alternate No. 1) as a regular member to a term that expires in October 2010.

Newly appoint George Baker as Alternate No. 1 to a term that expires in October 2010.

Newly appoint Jan Beran as Alternate No. 2 to a term that expires in October 2011.

Recycling and Source Reduction Advisory Commission

Re-appoint John Cimino to a term that expires in October 2012.

Appoint Garrett Dye (current Alternate No. 2) as a regular member to a term that expires in October 2012.

Newly appoint Joe Kwong as Alternate No. 1 to a term that expires in October 2011.

Recommendation: Move to approve the new appointments and re-appointments to the Milpitas Arts Commission and the Recycling and Source Reduction Advisory Commission.

Parks, Recreation and Cultural Resources Commission

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

Background: At its meeting on September 14, 2009, the Parks, Recreation and Cultural Resources Commission (PRCRC) reviewed twelve Family Child Care Assistance Fund Grant Applications. All of the applications met eligibility guidelines. The PRCRC recommended distributing a \$500 grant to each applicant: Georgette Christopher, Sherry Clanton, Yan Ding, Lisa Hodges, Kim Lagman, YuYing Lai, Nasreen Mohammed, Samiha Samawi, Sabina Sheikh, Araceli Tapia, Christina Loan Tran and Jasmine Yousefkhachi. Included in the Council agenda packet is the background information.

Fiscal Impact: None. \$6,000 was budgeted this fiscal year for these annual grants.

Recommendation: Approve twelve \$500 Family Child Care Assistance Fund Grants to the following family child care providers as recommended by the PRCRC: Georgette Christopher, Sherry Clanton, Yan Ding, Lisa Hodges, Kim Lagman, YuYing Lai, Nasreen Mohammed, Samiha Samawi, Sabina Sheikh, Araceli Tapia, Christina Loan Tran and Jasmine Yousefkhachi.

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

Background: On June 15, 2009, the City Council approved and appropriated \$4,000 for the Youth Sports Assistance Fund for FY 2009–10 budget year. Included in the Council agenda packet for review and consideration is one Group Youth Sports Assistance Fund application. One application was received from Milpitas Jr. Giants Baseball in the amount of \$1,000, for safety break-away bases, catcher’s helmets, shin guards, chest protectors and batting helmets to meet baseball safety requirements.

Fiscal Impact: None. There is currently a balance of \$4,000 in the FY 2009-10 Youth Sports Assistance Fund. Approval of one Group Youth Sports Assistance Fund Grant in the amount of \$1,000 will leave a balance of \$3,000 for the remainder of the fiscal year.

Recommendation: The Parks, Recreation and Cultural Resources Commission (PRCRC) and staff reviewed the application on September 14, 2009 and recommend that the City Council approve funding one Group Youth Sports Assistance Fund grant in the amount of \$1,000 to Milpitas Jr. Giants.

XXII. NEW BUSINESS

5. **Receive Presentation by Dave Hyams from Alameda County Congestion Management Agency (CMA) on the I-680 Express Lanes Construction (Staff Contact: Greg Armendariz, 586-3317)**

Background: The I-680 Express Lane is under construction and less than one year away from opening. This new I-680 Express Lane is a 24-hour commuter lane which can also be used as a toll lane for single occupant vehicles. Dave Hyams from CMA will provide a video presentation on how the new I-680 Express Lane will work and answer any questions on this Caltrans project.

Fiscal Impact: None.

Recommendation: Receive the presentation by Dave Hyams from Alameda County Congestion Management Agency (CMA) on the I-680 Express Lanes construction.

6. **Receive 2005 Greenhouse Gas Emissions Inventory Report and Proposed Energy Efficiency Actions (Staff Contacts: Diana Barnhart, 586-3059, and Greg Armedariz, 586-3317)**

Background:

With the passage of AB32 on September 2006, the state took a major step to reduce statewide carbon emissions to 80% below 1990 levels by 2050. The law requires that by [2020](#) the state's [greenhouse gas](#) emissions be reduced to 1990 levels, roughly 25% reduction under business as usual estimates. The [California Air Resources Board](#), under the [California Environmental Protection Agency](#), is to prepare plans to achieve the objectives stated in the Act.

Greenhouse gas emission reduction is not currently mandatory for local government, but the passage of AB32 created awareness that if the state is going to reduce statewide levels, then cities will likely be asked to do the same. The following is a summary of several regional energy efficiency programs investigated by staff in anticipation of this statewide effort.

Residential Programs: Staff has been following three programs that would provide funding for energy conservation and/or solar panel installation.

- California Communities (CC), a state-wide Joint Powers Authority (JPA), is developing a promising program using bond funding for energy efficient retrofits such as replacement windows, weatherproofing, and solar panels. Each participating agency is required to contribute a one-time \$15,000 start-up fee, but the JPA would manage the program and recoup the payback costs of individual residential loans through property tax collection. CC is projecting that a pilot program will be offered in four counties in first quarter of 2010 and the rest of the State in the 2nd quarter of 2010. Staff will monitor this program and, if so directed, will bring it back to Mayor and Council as part of the FY 2010 mid-year or FY 2011 budget process for consideration to participate.
- Two other programs are at the infancy stage: ABAG is developing a special residential energy efficiency financing district with PG&E that could be available in 2010 or 2011. This would likely be similar to the program described above. The California State Energy program is also preparing guidelines to offer competitive grants to public agencies to manage a revolving loan fund for energy efficiency improvements in their communities.

Commercial Programs: Much of the efforts are on public facilities and residential participation, but there are allowances for commercial participation as well in many of the programs that will be offered. The state, through its Energy Plan, will make competitive grants available for residential and business retrofits and solar installations and eventually will provide for competitive grants for municipalities to participate in alternative energy programs. These programs are still developing and staff will keep the Mayor and Council apprised of the programs and opportunities to participate. Moreover, some companies are already making energy efficient upgrades, consistent with the Kyoto Protocol. For example, two years ago the City Council recognized Lifescan, Inc. for its reduction of greenhouse gas emissions. Currently, the County is recognizing several Milpitas businesses including SanDisk and the Humane Society Silicon Valley for their energy conservation efforts.

City Facility Programs: Historically the City has funded energy efficiency improvements with General Fund and PG&E rebates. Improvements include lighting retrofits in Police/Public Works building, Community Center auditorium, Sports Center gym, and two dance studios; retiming of City Hall lighting and HVAC; retiming of HVAC at Police/Public Works building and Community Center; installation of variable frequency drives on pool pumps; and acquisition of four hybrid fleet vehicles.

- Under the American Recovery and Reinvestment Act, the City is eligible for \$662,400 for additional energy efficiency improvements. Congressman Mike Honda's office has assisted in efforts to expedite this funding, which will be used for a mandatory report, and replacement of HVAC chiller equipment and street lights.

- In addition, a regional task force will be issuing an RFP to private investors for installation of solar panels on City facilities at no up-front cost and with the ability to lock into reduced power rates. Regional discussions show interest by 21 cities for a total of 72 sites, including 14 Milpitas sites. A Request for Qualifications will be issued to alternative energy developers in October. Based on the response, the City will be asked to sign a Letter of Commitment to participate in November. The Mayor and Council will be asked to consider this request prior to further action.

Regulatory: Regulatory requirements are discussed in AB 32 and SB 375. In accordance with AB 32, the Council approved participation in a Greenhouse Gas Emissions Inventory through collaboration of Joint Venture Silicon Valley (JVSV) and the Institute for Climate Leadership Education and Information (ICLEI) in December 2007. The collaboration created by JVSV allowed cities to work with ICLEI at a reduced rate savings of up to 50%. The first phase focused on City-related operations and is discussed in the summary provided below.

City Operations Greenhouse Gas Emissions Inventory

The study creates a baseline emissions inventory of 2005 data, against which the City can understand the scale of emissions from the various sources within government operations. With the exception of employee-owned vehicles used for commuting, the City has direct operational control of the emissions identified in this study. Using ICLEI forms and protocols and assisted by ICLEI staff, carbon emissions were calculated by staff from Public Works, Utilities Engineering, Building Maintenance, and Finance. The result: in 2005, Milpitas' direct emissions from electricity consumption and select indirect sources totaled 7,533 metric tons of CO₂ (carbon dioxide) in the following sectors:

- Buildings and Facilities – 28%
- Employee Commute – 26%
- Vehicle Fleet – 19%
- Water/Wastewater Transport – 10%
- Public Lighting – 9%
- Government-Generated Solid Waste – 8%

Cumulatively, the City spent approximately \$1,701,526 on energy (electricity, natural gas, diesel and gasoline) for operations in 2005. Of this, 75% of these energy expenses resulted from electricity consumption and 5% from natural gas purchase from PG&E. Sectors which consumed the most electricity were buildings and facilities and public lighting.

The City is actively implementing other recommendations of the Study, as a matter of practice, such as instituting further energy retrofits in facilities; promoting and providing incentives for alternative forms of transportation such as carpools, biking, and mass transit. The City is also replacing vehicles with fuel efficient and alternative fuel vehicles on a replacement basis, such as the recent vehicle replacements with hybrids from Piercey Toyota, instituting streetlight energy reduction policies and conducting energy audits of water, storm water and wastewater pumps.

Community Green House Gas Emissions Inventory The next phase of the study includes an estimate of 2005 levels of Milpitas community-wide greenhouse gas emissions. Other cities are also in the process of this next step and it appears ICLEI, as part of the continuing collaborative, will be able to offer a reduced rate for the inventory. If the Mayor and Council would like to continue with the Greenhouse Gas Emissions Inventory, staff will request a proposal from ICLEI to conduct the inventory and prepare the report which is estimated at \$10,000.

Subsequent to a community greenhouse gas emissions baseline, future phases would include establishing emission reduction goals under a Climate Protection Plan. The Plan would use the baseline data to measure progress toward those goals, such as setting an emissions reduction target for municipal operations (for example: reducing emissions to 1990 levels by 2020).

SB 375: This bill requires regional planning and coordination for housing and transportation policies. The State Air Resources Board is developing revised vehicle emission standards for the year 2020. The Metropolitan Transportation Commission is developing a regional transportation plan. Staff is following the development of these regional policies to present local impacts to the Mayor and City Council.

Future Considerations: The City may eventually want to consider the development of a Climate Action Plan. A Climate Action Plan would include an inventory of operations and their resulting greenhouse gas emissions, reduction goals, implementation of energy efficient programs, and updated inventories to measure improvements. This would be part of future budget and service program discussions.

Fiscal Impact: None. There is no fiscal impact associated with this action.

Recommendation: Receive the Energy Efficiency Program update, the 2005 Greenhouse Gas Emissions Inventory Report and provide appropriate direction to staff.

* **7. Approve a Recommendation to Participate in the Proposed “Stay and Shop” Program (Staff Contact: Diana Barnhart, 586-3059)**

Background: The Great Mall presented the “Stay & Shop” program to the City and local hotels at the last Hotel meeting hosted by the Mayor. The program was initiated by the Great Mall owner, Simon Property Group, as part of its new Travel and Tourism initiative to capitalize on popular “staycations.” The Great Mall benefits from nearly 15 million shoppers annually, and many of them would likely stay in Milpitas if given the opportunity to connect their Great Mall shopping experience with an overnight stay.

The program involves two packages – the Silver and Gold Packages. Both offer \$20 Simon Visa Gift Cards and Great Mall coupon books of approximately \$200 in savings. The packages also offer hotel exposure at the Great Mall and reciprocal links to the hotel URL from the Great Mall website. Both programs are offered for 12 months. Differences between the programs include the number of gift cards offered by Simon and the amount of hotel exposure at the Great Mall.

Nearly one-half of the hotels participating actively in the Mayor’s meetings have indicated a desire to participate in the program, but have also asked for City financial assistance.

Based on the number of local hotels and potential for participation in the Gold Program, which offers fifty \$20 Simon Visa Gift Cards, staff recommends that \$8,250 be designated for this program. Hotels would be asked to utilize the program over the upcoming holiday season in order to participate.

Fiscal Impact: The cost of participation in the “Stay & Shop” program is estimated at \$8,250. Funds are available in the Economic Development Operating Budget.

Recommendation: Approve a recommendation to participate in the proposed “Stay and Shop” program for a cost not-to-exceed \$8,250.

* **8. Consideration of the City Council Meeting Schedule for 2010 (Staff Contact: Mary Lavelle, 586-3001)**

Background: The Mayor and Council are requested to consider and adopt their meeting schedule for 2010. Regarding the City Council’s summer time meeting dates, it has been recent tradition to cancel both of the July regular City Council meetings in Milpitas.

City staff has begun to prepare year-long calendars for next year and have inquired of the City Council as to what schedule will be followed in 2010. Staff requests that the City Council act on an affirmative meeting schedule for 2010 for its regular business meetings.

Recommendation: Move to approve the 2010 regular City Council meeting schedule, including cancellation of the July 2010 City Council regular meetings.

XXIII. RESOLUTIONS

- * **9. Adopt a Resolution Granting Initial Acceptance of the Water System Connection Improvements, Spring Valley Heights Association, Project No. 3163 (Staff Contact: Fernando Bravo, 586-3328)**

Background: On October 18, 2005, the City entered into an agreement with Spring Valley Heights Association (SVHA) for the provision of a permanent water connection (water service) to the SVHA. On December 6, 2005, the City entered into an agreement with the County of Santa Clara for a waterline easement for the portion of the waterline, needed to service SVHA within the County's Ed Levin Park. The water connection improvements consist of 2.25 miles of waterline (one mile of a public 8" diameter waterline within County park and 1.25 mile of a private 4" diameter waterline from the park to SVHA) with related valves, fire hydrants and a private pump station to provide potable water to SVHA. The work also included retaining walls and surface restoration. The construction documents were subsequently completed in spring of 2007 and construction started in fall of 2007. The work has been completed satisfactorily and the public portion is ready for initial acceptance and the faithful performance bond may be reduced to \$130,000, which is 10% of the contract value.

Fiscal Impact: None. Spring Valley Water will pay for annual operation and maintenance cost, in accordance with the agreement.

Recommendation: Adopt a resolution granting the initial acceptance of Water System Improvements, Spring Valley Heights Association, Project No. 3163, subject to a one year warranty period and reduction of the faithful performance bond to \$130,000.

- * **10. Adopt a Resolution Granting Initial Acceptance of the Water System Air Relief Valve Modification Phase III, Project No. 7086 (Staff Contact: Steve Erickson, 586-3301)**

Background: The City Council awarded the Water System Air Relief Valve Modifications, Project No. 7086 – Phase III to Stoloski & Gonzalez, Inc. on June 16, 2009. This project includes removing thirty-four existing below-ground air relief valves, and replacing them with new above-ground air relief valves, to keep them above 100-year flood elevation levels to comply with State Code, Title 22, Chapter 16, as mandated by the California Department of Public Health (CDPH). All the valves were installed with metal valve enclosures.

The project has been successfully completed and staff recommends that Council adopt a resolution granting Initial Acceptance of the project, and to authorize the reduction of the contractor's faithful performance bond to 10% of the contract amount, or \$7,262.40. The project will remain under warranty for a one-year period.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Water System Air Relief Valve Modifications Phase III, Project No. 7086, subject to the one-year warranty period and reduction of the faithful performance bond to \$7,262.40.

- * **11. Adopt a Resolution to Accept the 2009 Edward Byrne Justice Assistance Grant (JAG) Administered by the San Jose Police Department (Staff Contact: Henry Kwong, 586-2419)**

Background: The United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance coordinates the annual Edward Byrne Justice Assistance Grant (JAG) authorized by 42 US Code 3751(a).

On June 25, 2009, the San Jose Police Department agreed to coordinate a joint JAG application among several law enforcement agencies in the County, including the Milpitas Police Department, and the joint application was submitted to U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance on July 8, 2009.

On September 1, 2009, the joint application was approved, and the grant was awarded (Award #2009-DJ-BX-0349). The portion of the grant allocated to the Milpitas Police Department is \$17,172.00, which is intended to enhance the front-line delivery of services through existing programs by obtaining the necessary equipment, such as a portable solar message sign trailer and less-lethal munitions.

Fiscal Impact: Appropriate the \$17,172 JAG funds to the Police Department operating budget to purchase necessary equipment.

Recommendations:

1. Adopt a Resolution to accept the 2009 Edward Byrne Justice Assistance Grant (JAG) in the amount of \$17,172.00 administered by the San Jose Police Department.
2. Approve the budget change form to appropriate \$17,172 JAG revenue to the Police Department operating budget.

XXIV. BIDS AND CONTRACTS

- * **12. Waive Minor Bid Irregularity and Award a Construction Contract to CRW Industries, Inc. for the Alviso Adobe Renovation, and Authorize the City Manger to Execute the Second Amendment to the Agreement with Gil Sanchez Architecture, Project No. 5055 (Staff Contact: Steve Erickson, 586-3301)**

Background: On June 2, 2009, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Project No. 5055. Improvements for this phase of the project will provide structural stabilization and reconstruction of the exterior finishes stopping further deterioration of the building. The Engineer's Estimate for the project is \$675,000.

The project was advertised and five sealed bid proposals were received on September 15, 2009. Bid proposals ranged from \$498,732 as corrected, to \$697,000, and the lowest responsible bid was submitted by CRW Industries, Inc. in the amount of \$498,732. Staff recommends the award of the construction contract to CRW Industries, Inc. CRW's bid contained a minor bid irregularity in that the sum total of the individual bid items was not added correctly. However, the corrected total sum does not change the apparent low bidder. The Public Contract Code and the City's bid documents defines this as a "minor bid irregularity" and authorizes the City to "waive" this irregularity and proceed with award of the contract. Therefore, staff recommends that the Council waive the minor bid irregularity and award the construction contract to CRW Industries, Inc.

Staff recommends that Council approve a project specific change order policy, similar to that approved for the Library, Parking Garage, Midtown and Senior Center projects. This policy authorizes staff to swiftly execute change orders in order to minimize construction time delays and limit potential claims or additional delay related costs to the City. Due to the complexity of work on historic buildings, unforeseen conditions are common and are not known until the historic fabric of the building is removed. Staff will provide the Council with a summary report for all change orders that were executed with a monthly progress report to the City Council. The

construction contingency established for this project is \$125,000 and the change order authority shall not exceed this amount.

On January 29, 2008, Council approved a consultant services agreement with Gil Sanchez Architect in the amount of \$57,686 to provide professional design services for the exterior restoration and structural upgrade of the Alviso Adobe. The agreement was amended to include additional design and construction administration tasks for an amount not to exceed \$250,000. Staff now recommends amending the agreement a second time to provide additional archeological monitoring services during construction as required by the adopted environmental approval for the project. Staff negotiated a scope and fee for these services not-to-exceed \$110,800, which is considered reasonable for the work, and there are sufficient funds within the budget to cover this additional cost. This brings the total agreement amount, including the two amendments, to a total of \$418,486.

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

Recommendations:

1. Waive minor bid irregularity and award a construction contract to CRW Industries, Inc. for the Alviso Adobe Renovation Project in the amount of \$498,732 and approve project specific change order policy.
2. Authorize the City Manager to execute the second amendment to the agreement with Gil Sanchez Architecture for the Alviso Adobe Project No. 5055 in the amount of \$110,800.

* **13. Approve a Non-Exclusive Collection, Transportation, and Recycling Debris Agreement with Eagle Recycling Inc. (Staff Contact: Kathleen Phalen, 586-3345)**

Background: In accordance with Title V, Chapter 200 of the Milpitas Municipal Code and the City's solid waste franchise agreement with Allied Waste Services, solid waste collectors may enter into non-exclusive agreements with the City to collect and dispose of certain non-organic solid waste and/or construction and demolition debris from Milpitas businesses that are not covered by the Allied Waste Services Commercial Recycling Program.

Staff reviewed an application from Eagle Recycling Inc. to enter into an agreement for collection, transport, and recycling of debris and find it in accordance with the City's requirements. Eagle Recycling Inc. intends to haul general debris box waste such as construction and demolition waste. In accordance with the Milpitas Municipal Code, staff is also asking for the authority to administratively review collections under the agreement and grant a maximum of two, three-year extensions upon a finding of compliance with the agreement terms.

Fiscal Impact: None.

Recommendation: Approve a Non-Exclusive Collection, Transportation, and Recycling Debris Agreement with Eagle Recycling Inc.

* **14. Approve a Non-Exclusive Collection, Transportation, and Recycling Debris Agreement with Qualified Trucking (Staff Contact: Kathleen Phalen, 586-3345)**

Background: In accordance with Title V, Chapter 200 of the Milpitas Municipal Code and the City's solid waste franchise agreement with Allied Waste Services, solid waste collectors may enter into non-exclusive agreements with the City to collect and dispose of certain non-organic solid waste and/or construction and demolition debris from Milpitas businesses that are not covered by the Allied Waste Services Commercial Recycling Program.

Staff reviewed an application from Qualified Trucking to enter into an agreement for collection, transport, and recycling of debris and find it in accordance with the City's requirements. Qualified Trucking intends to haul general debris box waste such as construction and demolition waste. In accordance with the Milpitas Municipal Code, staff is also asking for the authority to

administratively review collections under the agreement and grant a maximum of two, three-year extensions upon a finding of compliance with the agreement terms.

Fiscal Impact: None.

Recommendation: Approve a Non-Exclusive Collection, Transportation, and Recycling Debris Agreement with Qualified Trucking.

- * 15. **Award the Bid for Annual Clothing Requirements for Public Works and Park and Recreation Services Employees to Prolific Holdings Inc. for the Annual Not-to-Exceed Amount of \$17,475.02 (Staff Contact: Chris Schroeder, 586-3161)**

Background: On August 18, 2009, the City went out to bid for the annual clothing requirements for the Public Works, and Parks and Recreation Services employees. Staff sent bids to fourteen vendors through the Public Purchase eProcurement System. These garments are required to be worn on a daily basis by maintenance workers pursuant to the MEA Memorandum of Understanding. The bid was for a one-year term with three additional one-year options based on prior performance and incremental pricing at the City's discretion. 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>Amount</u>
Alpine Awards Inc.	\$16,171.41
Bay Area Design	\$15,033.33
All-Line Uniform Sales	\$14,995.44
Prolific Holdings Inc.	<u>\$12,347.33</u>

After receipt of the bids, staff decided to increase the order quantity, due to the fact that the number of items specified was incorrect. Since Prolific Holdings Inc. has the lowest unit prices overall, the increased quantity does not change the outcome of the bid.

Fiscal Impact: None. The expenditures are programmed in the Public Work and Parks and Recreation Departments' operating budget for FY 2009-10.

Recommendation: Award the bid and authorize the City Manager to execute a contract with Prolific Holdings Inc. for annual clothing requirements for Public Works, and Parks and Recreation Services employees for the annual amount of \$17,475.02.

- * 16. **Award the Bid and Authorize the City Manager to Execute a Contract with Repipe Specialists Inc. for Replumbing Fire Station No. 2 for the Not-to-Exceed Amount of \$26,080 (Staff Contact: Chris Schroeder, 586-3161)**

Background: Fire Station No. 2 was built in 1969. At that time, the plumbing standard was to use galvanized steel pipe which is conducive to leaks and rusting. During the past year, multiple leaks have occurred, and visible rust in the water has become a problem. In addition, the water heater is near the end of its useful life and the overflow drain piping for the water heater was installed incorrectly and needed to be reconfigured. On August 12, 2009, the City went out for bid to completely re-plumb the station with copper piping, replace the water heater and correctly configure the drain lines. The bid was advertised on the City website, on Public Purchase, in the Blue Book, and in the local newspaper. One bidder, Repipe Specialists Inc., responded:

<u>Bid Item</u>	<u>Amount</u>
Re-plumb Fire Station No. 2	\$24,500.00
Option No. 1: Tankless water Heater (included at no extra cost)	\$ 0.00
Option No. 2: Recirculation Pump	<u>\$ 1,580.00</u>

Total

\$26,080.00

Fiscal Impact: None. Funding for this project is available in the City Building Improvements Capital Improvement Project No. 8182 budget.

Recommendation: Award the bid and authorize the City Manager to execute a contract with Reipe Specialists Inc. for re-plumbing Fire Station No. 2 for the not-to-exceed amount of \$26,080.

- * 17. **Authorize the City Engineer to Execute the Transportation Fund for Clean Air Bicycle Rack Grant Agreement with the Santa Clara Valley Transportation Authority (Staff Contact: Fernando Bravo, 586-3328)**

Background: The Santa Clara Valley Transportation Authority (VTA) received a 2003 Transportation Fund for Clean Air (TFCA) Grant to purchase and distribute bicycle racks throughout public and private areas within Santa Clara County. Because of a surplus, VTA is distributing the bicycle racks to local agencies for use within their jurisdictions.

The City of Milpitas will receive twelve bicycle racks from the VTA. Exact installation locations shall be determined later by City staff and will be in conformity with VTA grant requirements. The receipt of bicycle racks meets the goals of the newly adopted Bikeway Master Plan which includes having additional “End-of-Trip” facilities throughout Milpitas.

Fiscal Impact: None.

Recommendation: Authorize the City Engineer to execute the Transportation Fund for Clean Air Bicycle Rack Grant Agreement with the Santa Clara Valley Transportation Authority.

- * 18. **Authorize the City Manager to Execute a Consulting Services Agreement with Winzler & Kelly for Ayer Reservoir and Pump Station Improvements, Project No. 7102 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Ayer Reservoir and Pump Station Improvements, No. 7102, is included in the approved Capital Improvement Program. In accordance with the City’s consultant selection procedure, Winzler & Kelly has been selected to perform the design services for the Ayer Reservoir and Pump Station Improvements, Project No. 7102. The scope of work for this phase provides for the replacement and rebuilding of motors, pumps and variable frequency drives (VFD) for the pump station. The existing motors and pumps are more than 15 years old and have reached the end of their recommended service lives. Staff has negotiated a scope and fee with Winzler & Kelly for these design services and preparation of bid documents, based on the time and materials with a not to exceed amount of \$38,400, which is considered reasonable for the work.

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

Recommendation: Authorize the City Manager to execute a consulting services agreement with Winzler & Kelly for the Ayer Reservoir and Pump Station Improvement, Project No. 7102, for an amount not to exceed \$38,400.

XXI. CLAIM AND DEMAND

- * 19. **Approve Payment Request to TriTech for Annual Renewal of Software Support for the 911 Dispatch System (Staff Contact: Chris Schroeder, 586-3162)**

Background: In accordance with City Ordinance No. 23.10, City purchasing staff prepared a payment request over \$20,000 for approval. Payment to TriTech for \$99,774.08 is for annual renewal of the software support agreement for the 911 dispatch system.

Fiscal Impact: None. Funds are available in the Information Services operating budget for Fiscal Year 2009-10.

Recommendation: Approve the payment of \$99,774.08 to TriTech for annual renewal of the software support agreement for the 911 dispatch system.

XXIII. ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY, OCTOBER 20, 2009