



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

TUESDAY, JANUARY 5, 2010

7:00 P.M.

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**
- III. PLEDGE OF ALLEGIANCE**
- IV. INVOCATION (Vice Mayor McHugh)**
- V. APPROVAL OF COUNCIL MEETING MINUTES – December 15, 2009**
- VI. SCHEDULE OF MEETINGS – Council Calendar for January 2010**
- VII. 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.

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

- XII. PUBLIC HEARINGS**
 - 1. Hold Public Hearing to Accept 2010 Citizen Options for Public Safety (COPS) Grant and Authorize Appropriation of Funds (Staff Contact: Steve Pangelinan, 586-2426)**
 - 2. Hold Public Hearing and Adopt a Resolution Authorizing the City of Milpitas to Join the California First Program (Staff Contact: Diana Barnhart, 586-3059)**
- XIII. UNFINISHED BUSINESS**
 - 3. Adopt Resolution Authorizing Recommended Fee Adjustments to the Milpitas Tidal Waves Swim Team program (Staff Contact: Bonnie Greiner, 586-3227)**

XIV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. Call to Order/Roll Call by the Mayor/Chair**
- RA2. Approval of Minutes – December 15, 2009**
- RA3. Approval of Agenda and Consent Calendar (Items with asterisk*)**
- RA4. Receive Progress Report on the New Senior Center, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)**
- RA5. Receive Staff Report, Approve a Budget Appropriation and Adopt a Resolution Authorizing Agency Executive Director to Execute an Agreement with CH2M Hill, for Photovoltaic (Solar Power) Analysis of Various City Facilities, Project No. 8190 (Staff Contact: Greg Armendariz, 586-3317)**
- *RA6. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the Street Resurfacing Project 2009 - Slurry Seal, Projects No. 4250 and No. 8194 (Staff Contact: Steve Erickson, 586-3301)**
- *RA7. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the Street Resurfacing Project 2009 – S. Park Victoria Drive, Project No. 8194 (Staff Contact: Steve Erickson, 586-3301)**
- *RA8. Approve a New Capital Improvement Project and Budget Appropriation for Department of Energy (DOE) Federal Grant Project and Authorize Executive Director/City Manager to Execute Agreement with Biggs Cardosa Associates Inc., Project No. 8198 (Staff Contact: Greg Armendariz, 586-3317)**
- RA9. Agency Adjournment**

XV. REPORTS OF MAYOR AND VICE MAYOR

- 4. Hear Request of Mayor to Develop Outreach Program on the Issue of Teenage Binge Drinking (Contact: Mayor Livengood, 586-3051)**
- * 5. Move to Appoint Vice Mayor McHugh as the Alternate Member of the Santa Clara Valley Transportation Authority Board of Directors for the Milpitas-Gilroy-Morgan Hill Group (Contact: Vice Mayor McHugh, 586-3023)**

XVI. NEW BUSINESS

- * 6. Authorize the Police Department to Accept a Community Grant from Wal-Mart and Approve a Budget Appropriation for \$1,000 (Staff Contact: Charlotte Pang, 586-2432)**

XVII. RESOLUTION

- * 7. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the FY 2009-10 Street Resurfacing, Project No. 4250 (Staff Contact: Steve Erickson, 586-3301)**

XVIII. BID AND CONTRACT

- * 8. Award the Bid and Authorize the City Manager to Execute a Contract with Intelligent Technologies and Service, Inc. for Fire Suppression System Testing and On Call Maintenance and Repair for the Annual Not-to-Exceed Amount of \$6,000 (Staff Contact: Chris Schroeder, 586-3161)**

XIX. ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY, JANUARY 19, 2010

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:

Public Art Committee

Bicycle Pedestrian Advisory Commission

Community Advisory Commission (alternate)

Economic Development Commission (Commercial Real Estate Rep)

Mobile Home Park Rental Review Board

Parks, Recreation and Cultural Resources Commission (Alternate)

Recycling and Source Reduction Advisory Commission (Alternate)

Senior Advisory Commission (Alternate)

Veterans 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

XII. PUBLIC HEARINGS

1. **Hold Public Hearing to Accept 2010 Citizen Options for Public Safety (COPS) Grant and Authorize Appropriation of Funds (Staff Contact: Steve Pangelinan, 586-2426)**

Background: The California State Legislature awarded \$109,707 to the City of Milpitas through the Citizen Options for Public Safety (COPS) Grant, Government Code sections 30061-30065. No City matching funds are required.

Government Code section 30061 requires a public hearing regarding the expenditure of the grant. Government Code section 30062 specifies that these funds must be used exclusively for front line law enforcement services and must supplement and not supplant existing funding for front line law enforcement services. These funds shall be appropriated pursuant to a written request from the Chief of Police of the law enforcement agency that provides police services for the city. The request shall indicate the front line law enforcement needs of the requesting entity including the personnel and equipment that are necessary to meet those needs.

The Milpitas Police Department recommends the following list of frontline municipal police services, or equivalent, to be purchased with the COPS grant monies for fiscal year 2010:

Equipment to Support use of New Pistols; Uniforms and Supplies for Volunteers; Parent Project; License Plate Reader; Crime Scene and Accident Reconstruction Software Training; Digital Cameras for Officers' Use; Multi-Chargers for Charging Radio Batteries; Window Tint Meters; Collapsible Traffic Cones; SWAT and Tactical Team Equipment; and Patrol Rifles.

Fiscal Impact: None. The COPS 2010 grant of \$109,707 will fully cover the cost for the frontline services listed above.

Attachments:

1. Staff Memo
2. Budget Change Form

Recommendations:

1. Open public hearing for public comment, and move to close the hearing.
2. Accept 2010 Citizen Options for Public Safety Grant in the amount of \$109,707.
3. Approve appropriation in the amount of \$109,707 into the Police Department's operating budget.

2. **Hold Public Hearing and Adopt a Resolution Authorizing the City of Milpitas to Join the California First Program (Staff Contact: Diana Barnhart, 586-3059)**

Background: California Communities is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties. The member agencies of California Communities include all 58 counties and more than 400 other local agencies throughout California, including the City of Milpitas.

The CaliforniaFIRST Program is being instituted by California Communities to allow owners of property in participating cities and counties to finance renewable energy, energy efficiency and water efficiency improvements on their property. If a property owner chooses to participate, the improvements will be financed by the issuance of bonds by California Communities. California Communities will levy "contractual assessments" on the owner's property to repay the portion of the bonds issued to finance the improvements on that property. California Communities has selected Renewable Funding LLC and RBC Capital Markets to provide administration and financing for the program.

The “contractual assessment” proceedings will be undertaken by California Communities pursuant to Chapter 29 of Division 7 of the Streets & Highways Code, which was amended in 2008 by Assembly Bill 811 and further amended in 2009 by Assembly Bill 474, to allow the financing of renewable energy, energy efficiency and water efficiency improvements on private property. Pursuant to Chapter 29, assessments may be levied to finance renewable energy, energy efficiency and water efficiency improvements only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied. The property owners will evidence their consent to the assessments by executing a contract with California Communities.

Benefits to the property owner include:

- Only property owners who choose to participate in the program will have assessments imposed on their property.
- In today’s economic environment, there may not be attractive private enterprise alternatives for property owners to finance renewable energy/energy efficiency/water efficiency improvements.
- Even if there were private enterprise alternatives, most private loans are due on sale of the benefited property, which makes it difficult for property owners to match the life of the repayment obligation with the useful life of the financed improvements. Under the CaliforniaFIRST Program, the assessment obligation will transfer with the property upon sale.
- The property owner can choose to pay off the assessments at any time, subject to applicable prepayment penalties.
- By virtue of regional aggregation provided by the CaliforniaFIRST Program, small projects, both residential and commercial, can have access to the municipal bond market, which may produce a lower borrowing cost.

Benefits to the City of Milpitas include:

- As in conventional assessment financing, the City of Milpitas is not obligated to repay the bonds issued by California Communities or to pay the assessments levied on the participating properties.
- California Communities handles all assessment administration, bond issuance and bond administration functions. A participating city can provide financing of renewable energy, energy efficiency and water efficiency improvements to property owners through the CaliforniaFIRST Program – thereby meeting its political and environmental goals -- while committing virtually no staff time to administer the program.

The proposed resolution authorizes California Communities to accept applications from owners of property within the City of Milpitas jurisdiction for municipal financing of renewable energy, energy efficiency and water efficiency improvements through the CaliforniaFIRST Program. It also authorizes California Communities to conduct assessment proceedings and levy assessments against the property of participating owners within the City of Milpitas boundaries. It also authorizes miscellaneous related actions and makes certain findings and determinations required by law. California Communities will undertake a judicial validation proceeding as part of its initiation of the CaliforniaFIRST Program.

When this program was introduced to the City Council in October, it was anticipated that the City would need to contribute \$15,000 for the right to participate in the CaliforniaFIRST Program. The participation fee is now included in the funds that California Communities is seeking, thus alleviating the need for City funding. However, the resolution authorizes payment of a set-up fee to cover legal, procedural, and technology costs associated with the California FIRST Program if the funds are not allocated to California Communities. Those fees are set forth in Exhibit A (in

the Council's agenda packet), estimated at \$12,500. Staff anticipates that California Communities will be successful, so a budget authorization for the fees is not included in this recommended Council action.

Any jurisdiction can withdraw from the CaliforniaFIRST Program at any time by passing a resolution rescinding the authorization. Exhibit A (in the Council's agenda packet) is a "Form of Resolution of Intention to be Adopted by California Communities." This is for informational purposes and does not require action by this City Council.

Fiscal Impact: None.

Attachments:

1. Exhibit A - Program Fees
2. Draft Resolution

Recommendations:

1. Open the public hearing for comments, and move to close the hearing.
2. Adopt a resolution authorizing the City of Milpitas to join the California First Program.

XIII. UNFINISHED BUSINESS

3. Adopt Resolution Authorizing Recommended Fee Adjustments to the Milpitas Tidal Waves Swim Team program (Staff Contact: Bonnie Greiner, 586-3227)

Background: On December 1, 2009, the City Council directed staff to return to discuss the proposed fee adjustments to the Milpitas Tidal Waves Swim Team program that were recommended by the Finance Subcommittee on November 18, 2009.

The current Tidal Waves fee is a flat \$50.00 per month per swimmer for Milpitas residents. Proposed are three different potential fee increase options.

Option 1:

At the November 18, 2009 the Finance Subcommittee recommended to increase the \$50.00 monthly flat rate by 100 % to \$100.00 per month, per swimmer enabling the swim team to achieve a higher cost recovery percentage, from 27% to 57%.

Option 2:

At the December 1, 2009 City Council meeting, there was much discussion on the 100% increase. It was suggested to potentially increase the \$50.00 monthly flat rate by 50% to \$75 per month per swimmer. This would enable the swim team to better the cost recovery percentage from 27% to 44%.

Option 3:

Since the MTW is a program which separates the participating swimmers into three distinct groups which have varying total time in the pool, a tiered fee system based on the swimmer's level and actual pool time may be the most reasonable way to achieve the cost recovery efforts over the next few years.

<u>Example:</u>	Beginners:	\$55.00 a month	10% increase
	Junior Group	\$65.00 per month	30% increase
	Senior Group	\$75.00 per month	50% increase

This would enable the swim team to better the cost recovery percentage from 27% to 40%.

The Finance Subcommittee also recommended to the City Council to increase the current monthly non-resident fee from \$20.00 to \$50.00 per month.

Fiscal Impact: If the fee adjustments are authorized by City Council resolution, the impact would be to increase the cost recovery percentage from 27% to either 57%, 44% or 40% depending upon which option is approved.

Recommendation: Receive staff report and adopt resolution authorizing fee adjustment for the Milpitas Tidal Waves swim program, as recommended by the Council Finance Subcommittee.

XIV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Minutes – December 15, 2009

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

RA4. Receive Progress Report on the New Senior Center, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)

Background: Contractor Swenson & Associates continues with installation of new site work, exterior finishes, interior walls, electrical, plumbing, and mechanical improvements. Installation of interior drywall and painting is underway. The new Senior Center construction project is on schedule and within budget. Project staff will provide additional project progress information at the Agency/Council meeting.

Fiscal Impact: None.

Recommendation: Receive progress report on the new Senior Center construction, Project No. 8176.

RA5. Receive Staff Report, Approve a Budget Appropriation and Adopt a Resolution Authorizing Agency City Manager to Execute an Agreement with CH2M Hill, for Photovoltaic (Solar Power) Analysis of Various City Facilities, Project No. 8190 (Staff Contact: Greg Armendariz, 586-3317)

Background: On October 6, 2009, staff presented the Agency/Council an overview of the City of Milpitas Green House Gas Emissions Inventory Report and Proposed Energy Efficiency Actions Programs. One of these elements includes a proposal for installation of photo voltaic (solar) panels on various City facilities. City staff has been working with local and regional cities and public agencies, including the Association of Bay Area Governments (ABAG) and Joint Venture Silicon Valley, to develop efficient and cost effective processes for evaluation of public facilities for feasibility of solar powering, review of options available for financing and installation of photo voltaic (solar) panels on public facilities.

The first step is to assess and analyze the public facilities for solar power feasibility, costs and generation potential. The County of Santa Clara has undertaken a consultant selection process to assist public agencies with this initial assessment and evaluation of public facilities of solar power utilization. The County issued a request for proposals (RFP) in April, 2009 and obtained six written proposals, of which the top three consulting firms were interviewed. This process resulted in CH2M Hill, Inc. being selected as the most qualified consultant firm for the assessment and analysis of various public facilities for solar panel installation and power generation. City staff has evaluated the CH2M Hill contract and staff agrees that Milpitas would benefit by “piggybacking” onto the County of Santa Clara contract selection process and executing a contract with the same terms and conditions and a scope specific to the City’s facilities. The City’s practice of, and requirements for, utilizing a contract bid by another agency are defined and sanctioned under City of Milpitas Municipal Code Section I-2-3.07 “Piggyback Procurement.” The recommendation to piggyback onto the County of Santa Clara contract with CH2M Hill is in full compliance with those requirements.

CH2M Hill has reviewed the Milpitas public facilities, totaling 16 locations (a complete list is included in the Council agenda packet) and is in agreement with providing these services at the same competitive rates, terms and conditions as the County of Santa Clara contract. The specific Milpitas scope of services would include the following:

Task One – Solar analysis

Review of the facility operations and energy demands;
Total energy generation potential, including deducts for efficiency losses, such as tree or building shading; anticipated electrical and/or natural gas savings;
Minimum and Maximum recommended installation capacity;
Anticipated site challenges (cost, physical, site or other restrictions).

Task Two – Electrical and Structural Analysis

Recommended electrical system upgrades including transfer switches and other infrastructure improvements required for interconnection of solar panels;
Evaluation and recommendation of building rooftop structural integrity for solar panel and/or solar hot water systems additions;
Evaluate system output to actual electrical consumption at each site to match loads and system sizes for electrical generation.

Task Three – Evaluate available financing options

Direct City ownership (only for the four utility pump station sites);
Subject to City available capital and operation funds;
City monitors and maintains solar power equipment;
Power Purchase Agreements; and
Third party owns, monitors and maintains equipment, and would provide the City with below PG&E energy rates over a long term period (20 to 30 years).

The new contract with CH2M Hill would be based on time and materials, for an amount not to exceed total of \$75,000, and would be for a contract term of one year. This amount is considered reasonable for the services involved.

Fiscal Impact: A budget appropriation of \$75,000 is required in order to approve the contract with CH2M Hill (\$55,000 from Redevelopment Tax Increment funds, \$10,000 from the Water Fund, and \$10,000 from the Sewer fund).

Recommendations:

1. Receive presentation from staff at the Agency/Council meeting.
2. Approve a budget appropriation.
3. Adopt a Resolution authorizing the Agency Executive Director to execute an agreement with CH2M Hill for Project No. 8190.

***RA6. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the Street Resurfacing Project 2009 - Slurry Seal, Projects No. 4250 and No. 8194 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Agency/Council awarded a project to American Asphalt Repair and Resurfacing Company, Inc. on June 16, 2009 to provide pavement slurry seal treatment to thirty-four City Streets. The project was successfully completed. Staff now recommends the Agency/Council grant initial acceptance and authorize reduction of the contractor's performance bond to 10% of the contract amount or \$81,220.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Street Resurfacing Project 2009 - Slurry Seal, Projects No. 4250 and No. 8194, subject to the one-year warranty period and a reduction of the faithful performance bond to \$81,220.

- *RA7. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the Street Resurfacing Project 2009 – S. Park Victoria Drive, Project No. 8194 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Agency/Council awarded a project to Granite Construction Company, Inc. on August 4, 2009 for the resurfacing of S. Park Victoria Drive from Big Basin Drive to Yosemite Drive. The project was successfully completed. Staff now recommends the Agency/Council grant initial acceptance of the project, and to authorize the reduction of the contractor's performance bond to 10% of the contract amount or \$77,309.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Street Resurfacing Project 2009 - South Park Victoria Drive, Project No. 8194, subject to the one year warranty period and a reduction of the performance bond to \$77,309.

- *RA8. Approve a New Capital Improvement Project and Budget Appropriation for Department of Energy (DOE) Federal Grant Project and Authorize Executive Director/City Manager to Execute Agreement with Biggs Cardosa Associates Inc., Project No. 8198 (Staff Contact: Greg Armendariz, 586-3317)**

Background: Under the American Recovery and Reinvestment Act (ARRA) program, the City of Milpitas has been earmarked for \$662,400 of federal stimulus funding, for energy efficient (green) projects. This program is being administered by the federal Department of Energy (DOE.) Staff has been working with the DOE, and has submitted an energy savings project for funding by this program. This project involves the replacement of the existing Heating, Ventilation, and Air Conditioning (HVAC) chiller units and controls at the Public Works/Police Department building. The HVAC system has two chiller units that are approximately 20 years old, and one unit suffered a catastrophic failure in September 2009 and is no longer operational. There are now available HVAC chiller systems which can operate as much as 70% more efficiently. In order to replace these units, various related building code upgrades to the buildings chiller and boiler rooms are also required. The total construction cost of these improvements is estimated at \$450,000.

The next step is to proceed with the preparation of bid documents including plans and specifications. Through the City's consultant selection process, Biggs Cardosa was selected to provide the project design services. Staff negotiated a scope and fee for these services not to exceed \$90,000, which is considered reasonable for the work. An additional \$35,000 is required for staff project management. Therefore, a total budget appropriation of \$125,000 is required.

Fiscal Impact: A budget appropriation of \$125,000 is required for design phase of this project. After bids are received, the remaining necessary funds for construction will be requested for appropriation. This work will be reimbursed by grant funding from the federal stimulus program (ARRA) through the federal Department of Energy (DOE.)

Recommendations:

1. Approve a new Capital Improvement Program (CIP) project – Department of Energy Grant Program, Project No. 8198.
2. Approve a budget appropriation in the amount of \$125,000.

3. Authorize the Agency Director/City Manager to execute an agreement with Biggs Cardosa Associates, Inc., in the amount of \$90,000, Project No. 8198, subject to approval as to form by the City Attorney.

RA9. Agency Adjournment

XV. REPORTS OF MAYOR AND VICE MAYOR

4. **Hear Request of Mayor to Develop Outreach Program on the Issue of Teenage Binge Drinking (Contact: Mayor Livengood, 586-3051)**

Background: On December 16, 2009, Mayor Livengood requested that the City Manager, City Attorney, and Police Chief review the current City of Milpitas educational programs that curtail teenage drinking and make recommendations for new programs. The Police Chief's memo dated December 28, 2009 is included in the Council's agenda packet.

Fiscal Impact: Unknown at this time.

Recommendation: Hear report of Mayor Livengood and consider his request to approve additional programs to help reduce teenage drinking.

- * 5. **Move to Appoint Vice Mayor McHugh as the Alternate Member of the Santa Clara Valley Transportation Authority Board of Directors for the Milpitas-Gilroy-Morgan Hill Group (Contact: Vice Mayor McHugh, 586-3023)**

Background: Vice Mayor McHugh requests that the Mayor recommend that the City Council appoint him to serve as the alternate member to the VTA's Board of Directors representing the MGM (Milpitas-Gilroy-Morgan Hill) group for 2010.

Fiscal Impact: None.

Recommendation: Upon recommendation of Mayor Livengood, appoint Vice Mayor McHugh as the alternate member to the Valley Transportation Authority's Board of Directors representing the Milpitas-Gilroy-Morgan Hill group for 2010.

XVI. NEW BUSINESS

- * 6. **Authorize the Police Department to Accept a Community Grant from Wal-Mart and Approve a Budget Appropriation for \$1,000 (Staff Contact: Charlotte Pang, 586-2432)**

Background: The Milpitas Wal-Mart Store has donated a check in the amount of \$1,000 to the Milpitas Police Department under the auspices of the Wal-Mart Foundation's Community Grants Fund. There was no application required for this donation and there are no specific requirements concerning how these funds are to be expended.

The Police Department is in receipt of this check and recommends that the funds be utilized to purchase community relations handout materials utilized during the annual National Night Out event and supplies for programs run by the Citizen Volunteers and the Police Explorers.

Fiscal Impact: A budget appropriation in the amount of \$1,000 for Police Department supply budget from grant revenue.

Recommendation: Authorize the Police Department to accept the Wal-Mart grant funds in the amount of \$1,000 and approve a budget appropriation to purchase National Night Out handout materials and supplies for the Police volunteer programs.

XVII. RESOLUTION

- * 7. **Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the FY 2009-10 Street Resurfacing, Project No. 4250 (Staff Contact: Steve Erickson, 586-3301)**

Background: The City Council awarded the FY 2009-10 Street Resurfacing, Project No. 4250 to Top Grade Construction, Inc. on September 15, 2009. The project provided new rubberized asphalt pavement surfacing and new Americans with Disabilities Act-compliant sidewalk ramps to segments of N. Milpitas Blvd. between Tramway Drive and Beresford Court. The project was successfully completed, and staff now recommends the City Council grant initial acceptance and to authorize the reduction of the contractor's performance bond to 10% of the contract amount or \$58,844.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Street Resurfacing Project, Project No. 4250, subject to the one year warranty period and reduction of the contractor's performance bond to \$58,844.

XVIII. BID AND CONTRACT

- * 8. **Award the Bid and Authorize the City Manager to Execute a Contract with Intelligent Technologies and Service, Inc. for Fire Suppression System Testing and On Call Maintenance and Repair for the Annual Not-to-Exceed Amount of \$6,000 (Staff Contact: Chris Schroeder, 586-3161)**

Background: City Purchasing staff worked with Facilities Maintenance to develop the specifications for fire suppression system testing and on call maintenance and repair to service the Police and Public Works Building, the Community Center, and the Sports Center. The bid went out on November 17, 2009. It was advertised in the local newspaper, on the City website, and on Public Purchase. Four vendors attended the mandatory pre-bid conference, but only one submitted a qualified bid.

Intelligent Technologies Services, Inc. submitted a bid for \$5,456. The contract is for one year with four one-year renewal options based on performance. The contract allows the contractor to adjust the price based on the Consumer Price Index for that industry, provided that the proof of the prior four quarters' industry price change was submitted thirty days prior to renewal. The estimated total cost of the contract over five years is approximately \$30,000.

Fiscal Impact: None. This is a programmed expense in the Facilities Maintenance operating budget for FY 2009-10.

Recommendation: Award the bid and authorize the City Manager to execute a contract with Intelligent Technologies and Service, Inc. for fire suppression system testing and on call maintenance and repair, for the annual not-to-exceed amount of \$6,000.

XIX. ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY, JANUARY 19, 2010