



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

TUESDAY, AUGUST 17, 2010

6:30 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

- I. CALL TO ORDER by the Mayor**
- II. ROLL CALL by the City Clerk (6:30 p.m.)**
- III. ADJOURN TO CLOSED SESSION OF CITY COUNCIL**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
County of Santa Clara v. City of Milpitas and Redevelopment Agency, SCC Superior Court Case # 110CV173645, Govt. Code §54956.9
- 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 Polanski)
- VII. APPROVAL OF COUNCIL MEETING MINUTES** – August 3, 2010
- VIII. SCHEDULE OF MEETINGS** – Council Calendars for August and September 2010
- IX. PUBLIC FORUM**

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

- X. ANNOUNCEMENTS**
- XI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- XII. APPROVAL OF AGENDA**
- XIII. CONSENT CALENDAR** (Items with asterisk*)

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.

- XIV. PUBLIC HEARING**

1. **Hold a Public Hearing and Introduce Ordinances No. 38.788 and No. 38.796 Amending the Sign Code and Approving a Development Agreement with Milpitas Auto Properties, LLC, and Adopt a Resolution Approving One Off-Site Advertising Display at 950 Thompson Street (Staff Contacts: Diana Barnhart, 586-3059, and Sheldon AhSing, 586-3278)**

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. Call to Order/Roll Call by the Mayor/Chair**
- RA2. Approval of Minutes – August 3, 2010**
- RA3. Approval of Agenda and Consent Calendar (Items with asterisk*)**
- *RA4. Adopt a Resolution Granting Final Acceptance of the Highway 237/I-880 Interchange Monument Sign, Project No. 4170 (Staff Contact: Steve Erickson, 586-3301)**
- *RA5. Adopt a Resolution Granting Initial Acceptance of and Reducing the Performance Bond for the Milpitas Library Donor Board, Project No. 8162 (Staff Contact: Steve Erickson, 586-3301)**
- *RA6. Approve Plans and Specifications and Authorize Advertisement for Bid Proposals for Soundwall Renovation, Project No. 8196 (Staff Contact: Steve Erickson, 586-3301)**
- RA7. Agency Adjournment**

XVI. REPORT OF MAYOR

2. **Hear Report of Mayor Livengood Regarding Request to Direct Staff on Issue of Polystyrene Containers in Milpitas (Contact: Mayor Livengood, 586-3051)**

XVII. NEW BUSINESS

3. **Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)**
4. **Approve Response to the 2009-2010 Santa Clara County Civil Grand Jury report entitled *Cities Must Rein In Unsustainable Employee Costs* (Staff Contact: Tom Williams, 586-3050)**

XVIII. ORDINANCE

5. **Waive the First Reading and Introduce Ordinance No. 274.1 Amending Milpitas Municipal Code Provisions Relating to Certain Public Nuisances and Their Abatement (Staff Contact: Bryan Otake, 586-3040)**

XIX. RESOLUTIONS

- * 6. Adopt a Resolution Defining Guiding Principles for the San Jose/Santa Clara Water Pollution Control Plant Reconstruction and Land Use Alternatives Master Plan (Staff Contact: Kathleen Phalen, 586-3345)**
- * 7. Adopt a Resolution Approving the Sole Source Purchase of Hot Mix Asphalt Material and Authorize City Staff to Negotiate and Execute Agreements with Granite Construction Company and Reed & Graham Inc. for a Combined Not-to-Exceed Annual Amount of \$80,000 (Staff Contact: Chris Schroeder, 586-3161)**

- * 8. **Adopt a Resolution Amending the Classification Plan to Re-Title a Hazardous Materials Inspector to Fire Prevention Inspector in the Fire Prevention Division, and Approve the Budget Change Form to Transfer Funding from the Hazardous Materials Function to the Inspection and Investigation Function (Staff Contacts: Albert Zamora, 586-3371, and Carmen Valdez, 586-3086)**

XX. BIDS AND CONTRACTS

- * 9. **Approve Contract Amendment to the Agreement with Frank Martorella for an Amount-Not-to-Exceed \$64,000 Annually for Fire Department Inspection Services (Staff Contact: Albert Zamora, 586-3371)**
- * 10. **Award the Bid for McCarthy Ranch Landscape Maintenance Services to Jensen Landscape Services, Inc. for the Annual Not-to-Exceed Amount of \$62,879 (Staff Contact: Chris Schroeder, 586-3161)**
- * 11. **Approve Amendment No. 4 to the Agreement with ThyssenKrupp Elevator Platinum Maintenance and Repair for an Annual Not-to-Exceed Amount of \$ 32,651.40 (Staff Contact: Chris Schroeder, 586-3161)**

XXI. ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY, SEPTEMBER 7, 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, and at the Milpitas Library during normal business hours.

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist for the:
Bicycle Pedestrian Advisory Commission (alternate)
Community Advisory Commission (alternate)
Emergency Preparedness Commission
Mobile Home Park Rental Review Board
Parks, Recreation & Cultural Resources Commission
Recycling & Source Reduction Advisory Commission (alternate)
Senior Advisory Commission
Youth 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

XIV. PUBLIC HEARING

1. **Hold a Public Hearing and Introduce Ordinances No. 38.788 and No. 38.796 Amending the Sign Code and Approving a Development Agreement with Milpitas Auto Properties, LLC, and Adopt a Resolution Approving One Off-Site Advertising Display at 950 Thompson Street (Staff Contacts: Diana Barnhart, 586-3059, and Sheldon AhSing, 586-3278)**

Background: Milpitas Auto Properties LLC is proposing to construct a 70-foot tall off-site advertising display to be located at the Piercey Toyota dealership at 950 Thompson Street. This proposal is consistent with the May 5, 2009 City Council action selecting Milpitas Auto Properties and McCarthy Ranch for new off-site advertising displays along I-880 and I-680.

Sign Ordinance Amendment

This amendment integrates sign regulations as a new section in the zoning ordinance through reformatting, reorganizing and including tables for ease of use. The process for reviewing signs is also simplified to include review by Site Development Permits and Minor Site Developments in contrast to the existing process of multiple review tracks depending on the type of sign and its location. The amendment also provides for the development of off-site advertising displays. The development standards for off-site advertising displays include a maximum dimension for height, display area, a minimum distance between other like signs, lighting, other operational standards and a requirement that the operators enter into an agreement with the city regarding revenue sharing. At its June 9, 2010 meeting, the Planning Commission recommended that the City Council adopt the sign ordinance amendments. The Planning Commission staff report (in the agenda packet) and the underline and strikeout exhibits illustrate the recommended changes in the sign ordinance.

Development Agreement & Site Development Permit

The development agreement identifies the timeframe for responsibilities, obligations and shared benefits of erecting and managing the off-site advertising display. Milpitas Auto Properties, working with CBS Outdoor, will operate the sign and will be responsible for selling advertising displays. The City will receive a percentage of the annual adjusted gross revenue. Specific deal points will be presented in a separate memo to the Mayor and City Council prior to and at the meeting.

The proposed sign is consistent with the development standards for such sign contained within the modifications to the Sign Ordinance also on this agenda. The Planning Commission reviewed the general terms of the development agreement and the architectural design of the sign and recommended the City Council approve the agreement and the related Site Development Permit (No. SD10-0004). Detailed information regarding the project, including the design, size and location, is included in the Planning Commission staff report and the project plan exhibits attachments. CBS Outdoor is ready to begin the development review process for the sign building permit. Concurrently, CBS Outdoor will submit its application to the State for an outdoor advertising display permit. It is estimated that once the permits are issued, the sign will be installed within two months.

Environmental Review

In 2006, the City certified an Environmental Impact Report (EIR) to approve an amendment to the City's Redevelopment Area and cleared five off-site advertising displays, which included two existing signs. The agreement and the design and location of the proposed sign are consistent with the findings of that EIR.

Fiscal Impact: There will be no project costs incurred by the City as part of this process.

Recommendations:

1. Close the public hearing, after hearing any public testimony.
2. Move to waive the first reading of Ordinance No. 38.788 beyond the title to approve amendments to the Sign Ordinance.

3. Introduce Ordinance No. 38.788.
4. Move to waive the first reading beyond the title of Ordinance No. 38.796 to approve the Development Agreement.
5. Introduce Ordinance No. 38.796
6. Adopt a Resolution approving the off-site advertising display.

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Minutes – August 3, 2010

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

***RA4. Adopt a Resolution Granting Final Acceptance of the Highway 237/I-880 Interchange Monument Sign, Project No. 4170 (Staff Contact: Steve Erickson, 586-3301)**

Background: This project was initially accepted on June 16, 2009 and passed the one-year warranty period. A final inspection of the installed public improvements has been made, and they were found to be satisfactory. The project provided landscaping, irrigation, up-lighting and the installation of a gateway welcome signage (“Welcome to City of Milpitas”), located at the Route 237/I880 interchange. Staff recommends the Redevelopment Agency grant final project acceptance of the State Route 237 Milpitas Monument Sign, Project No. 4170, and release of the contractor’s bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of the Highway 237 / I-880 Interchange Monument Sign, Project No. 4170, and release of the contractor’s bond.

***RA5. Adopt a Resolution Granting Initial Acceptance of and Reducing the Performance Bond for the Milpitas Library Donor Board, Project No. 8162 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Agency awarded the Milpitas Library Donor Board to VKK Signmakers, Inc. on February 16, 2010. The project provided for a new community donor board in the local history room of the Milpitas Library. The project has been successfully completed, and staff recommends the Agency adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor’s faithful performance bond to \$965.10, which is 10% of the final contract value.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Milpitas Library Donor Board, Project No. 8162, subject to a one year warranty period and reduction of the faithful performance bond to \$965.10.

***RA6. Approve Plans and Specifications and Authorize Advertisement for Bid Proposals for Soundwall Renovation, Project No. 8196 (Staff Contact: Steve Erickson, 586-3301)**

Background: Staff completed plans and specifications for Soundwall Renovation, Project No. 8196. This project provides for the renovation of existing soundwalls along the east side of North Milpitas Blvd. from Berryessa Creek to Escuela Parkway and along the east side of Escuela Parkway from North Milpitas Blvd. to Tramway Drive.

A copy of the title sheet of the project plans is included in the Agency's agenda packet and the complete set of plans and specifications are available for review in the office of the City Engineer. The Engineer's Estimate for the project is \$100,000.

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

Recommendations:

1. Approve the Project plans and specifications for Project No. 8196.
2. Authorize advertisement for bid proposals for Soundwall Renovations.

RA7. Agency Adjournment

XVI. REPORT OF MAYOR

2. Hear Report of Mayor Livengood Regarding Request to Direct Staff on Issue of Polystyrene Containers in Milpitas (Contact: Mayor Livengood, 586-3051)

Background: Mayor Livengood requests that the City Council hear his recommendation to direct staff on the subject of banning restaurant take-out containers constructed of polystyrene.

Recommendation: Hear request of Mayor Livengood, and direct staff to prepare a draft ordinance banning polystyrene containers in Milpitas, schedule a public hearing, and conduct outreach to restaurateurs in the City.

XVII NEW BUSINESS

3. Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)

Background:

Great Mall: New stores at the Great Mall lead the shopping center with increased sales over the last quarter. 1Q10 sales tax revenues show the Great Mall at its highest level in two years. Nearly all of the new stores and the expanded Forever 21 are doing well. This robust atmosphere also reflects the consumer continuing to shop for bargains with Daiso California showing strong sales.

Business Outreach: Quarterly Sales Tax reports, which report transactions with a three month delay, also reflect the impact of business outreach efforts. Solyndra's reallocated use tax on the equipment purchased for its Milpitas manufacturing site shows up in the 1Q10, but it is a one time revenue. However, increased revenue from Flextronics, which will be ongoing, also peaked for the first time in 1Q10. Other Milpitas companies, such as LSI Logic, Nanometrics, are showing revenue increases as well.

Freeway Signs. McCarthy Ranch has started the Environmental Review process for three freeway signs on I-880 north of Highway 237. The Notice of Preparation was issued in June and as no comments were received, the EIR will be issued by the end of August. McCarthy Ranch now anticipates that the signs will be "lights on" in February or March 2011.

California First: The much anticipated CA1st program, a property assessed clean energy (PACE) program that provides financing to local property owners for energy efficient upgrades hit a "bump" over the summer. The Federal Housing Finance Agency (FHFA) advised lending institutions to essentially halt funding for PACE projects. The FHFA concern is that a house mortgage is secondary to an assessment, and is concerned that if a borrower defaults, then payment of the mortgage will be in jeopardy. FHFA has indicated that they will review their decision, but until then, very few PACE funded improvements are being made.

Meanwhile, the energy audit program that property owners will need for CA1st financial assistance are in the last stages of planning. Introduction of the energy audit program will be available in the early fall.

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

Recommendation: Receive the monthly economic development report from the Economic Development Manager.

4. Approve Response to the 2009-2010 Santa Clara County Civil Grand Jury report entitled *Cities Must Rein In Unsustainable Employee Costs* (Staff Contact: Tom Williams, 586-3050)

Background: On May 26, 2010, the 2009-2010 Santa Clara County Civil Grand Jury released a report entitled *Cities Must Rein In Unsustainable Employee Costs*. The report makes a number of findings and recommendations to cities in the County on how employee costs might be reduced. The City Council, through its policies and leadership, has already implemented several of the recommendations prior to the report's release. The City of Milpitas is required to submit a written response to the Grand Jury stating the City's position regarding the findings and what action will be taken concerning each of the recommendations.

A copy of the original Santa Clara County Civil Grand Jury Report and the proposed response for Council approval and signature by the Mayor are included in the agenda packet.

Recommendation: Approve the proposed response of the City of Milpitas to the Santa Clara County Civil Grand Jury Report and authorize the Mayor to send it under his signature.

XVIII. ORDINANCE

5. Waive the First Reading and Introduce Ordinance No. 274.1 Amending Milpitas Municipal Code Provisions Relating to Certain Public Nuisances and Their Abatement (Staff Contact: Bryan Otake, 586-3040)

Background: On occasion, fees for municipal safety inspections, water and sewer services, police alarm responses, and other City services are not paid and become delinquent accounts. Current Municipal Code and state law provisions permit the City to use debt collection services, criminal proceedings, and other methods to collect such outstanding debts. However, the costs of recovery often exceed the amount owed to the City. Accordingly, the City is often forced to "write off" such debts and forego recovery. The failure to pay such debts reduces the funding available to protect and safeguard property owners and the community as a whole.

The proposed ordinance would revise current Municipal Code provisions and add the nonpayment of City services and fees relating to the use and enjoyment of real property to the definition of public nuisance. This would allow recordation of liens against the real property; a process approved by Council last year. Property owners would receive notices of any possible liens before the liens are recorded.

Code violations that do not affect the condition, value, enjoyment, transferability or appearance of real property would not be covered by this ordinance. Thus, debt collection procedures for things such as unpaid vehicle towing fees and other non-real property obligations would be unchanged.

Fiscal Impact: None.

Recommendations:

1. Waive the first reading beyond the title of Ordinance No. 274.1.

2. Introduce Ordinance No. 274.1, amending Municipal Code provisions relating to certain public nuisances and their abatement.

XIX. RESOLUTIONS

- * **6. Adopt a Resolution Defining Guiding Principles for the San Jose/Santa Clara Water Pollution Control Plant Reconstruction and Land Use Alternatives Master Plan (Staff Contact: Kathleen Phalen, 586-3345)**

Background: The City of San Jose is in the final year of a three-year master planning effort for rehabilitation of the Water Pollution Control Plant (Plant), located on the City's western border at 700 Los Esteros Road. The Master Plan will address modernization of the sewage treatment processes; waste conversion into marketable new products such as biofuels; and alternatives for use and development of excess land including industrial/commercial, parks and recreation; and environmental restoration. This \$1.5 billion reconstruction effort will take 15 to 30 years to complete and will be one of the largest public works projects in the South Bay.

San Jose's evaluation process is guided by the concept of sustainability, defined for this project as a balanced consideration of environmental, economic, and equity factors. As led by San Jose, the master planning effort has been a public, collaborative process with well-organized stakeholder outreach and involvement. San Jose expects to recommend the preferred alternative to its City Council in December 2010 and begin the environmental study in spring 2011. Staff will review these documents as soon as they are available.

The City of Milpitas is a key stakeholder for this project, both due to the Plant's proximity and because the City is, by agreement, a Tributary Agency owning a proportionate share of the Plant lands and responsible for a proportionate share of the Master Plan improvement costs. For these reasons, staff recommends that Council adopt a resolution declaring the City's interests in this project and further defining the sustainability principles as they apply to Milpitas and the other Tributary Agencies.

Fiscal Impact: None.

Recommendation: Adopt a Resolution defining Guiding Principals for the San Jose/Santa Clara Water Pollution Control Plant Reconstruction and Land Use Alternatives Master Plan.

- * **7. Adopt a Resolution Approving the Sole Source Purchase of Hot Mix Asphalt Material and Authorize City Staff to Negotiate and Execute Agreements with Granite Construction Company and Reed & Graham Inc. for a Combined Not-to-Exceed Annual Amount of \$80,000 (Staff Contact: Chris Schroeder, 586-3161)**

Background: The Public Works Department, Street Maintenance, performs patch and repair for City roads and related work sites. Annual materials cost for these services is estimated to be approximately \$80,000.00. After reviewing available sources staff recommends that Granite Construction Company and Reed & Graham Inc. be designated as sole suppliers. Granite Construction Company is located seven miles from the Public Works yard, and Reed & Graham Inc. is located 13 miles from the Public Works yard. These two suppliers are the only entities with production sites within a feasible distance for the asphaltic material, which must be delivered hot, to be picked up by the Street Maintenance crews to perform the work.

After seeking informal quotes and reviewing all available regional suppliers, the Purchasing Agent and the Director of Public Works have determined that these firms are the only two sources for asphaltic material within a workable distance for the Street Maintenance crews to pick up the material. Formal advertisements of bids would not change or enlarge the scope of the limited field of suppliers of "hot mix asphalt" materials suitable for street patch and repair work.

However, neither supplier alone can meet the needs of the City. Engagement of both suppliers is therefore necessary.

Fiscal Impact: None. Funds for this purchase are available from the Street Resurfacing Project 2011, Project No. 4255.

Recommendation: Adopt a Resolution making sole source findings and authorizing the negotiation of two fixed price, multi-year hot mix asphalt material purchase agreements with Granite Construction Co. and Reed & Graham Inc.

- * **8. Adopt a Resolution Amending the Classification Plan to Re-Title a Hazardous Materials Inspector to Fire Prevention Inspector in the Fire Prevention Division, and Approve the Budget Change Form to Transfer Funding from the Hazardous Materials Function to the Inspection and Investigation Function (Staff Contacts: Albert Zamora, 586-3371, and Carmen Valdez, 586-3086)**

Background: Amendments to the Classification Plan are periodically required to account for organizational changes, increased job responsibilities or equity adjustments to salary ranges. At the request of the Fire Marshal and Interim Fire Chief, an analysis of the current job duties of one Hazardous Materials Inspector was conducted by Human Resources to determine whether a title change would accurately identify the tasks and responsibilities to that of a Fire Prevention Inspector in the Fire Prevention Division.

Due to the reduction of force and retirements within the last twelve months in the Fire Prevention Division, cross training has occurred and the incumbent has been conducting Fire Life-Safety inspections since June 4, 2007. The re-titling of this position allows the Division to realign itself to reflect the workload volume and maintain the minimum personnel resources to provide Fire Prevention services needed by the community.

Both positions are current International Association of Fire Fighters (IAFF) classifications and there will be no change in salary.

Fiscal Impact: None.

Recommendations:

1. Adopt a resolution amending the City of Milpitas Classification Plan to re-title one Hazardous Materials Inspector in the Fire Prevention Division to a Fire Prevention Inspector.
2. Approve the budget change form transferring funding from the Hazardous Materials function to the Inspection and Investigation function.

XX. BIDS AND CONTRACTS

- * **9. Approve Contract Amendment to the Agreement with Frank Martorella for an Amount-Not-to-Exceed \$64,000 Annually for Fire Department Inspection Services (Staff Contact: Albert Zamora, 586-3371)**

Background: With the adoption of the current budget, the Fire Department has two vacant unfunded fire prevention inspector positions. Since June of 2007, a cross-trained Hazardous Materials Inspector has been conducting fire life-safety inspections. The workload volume in terms of state-mandated annual and construction inspections within the Fire Prevention Unit is beyond the capacity of the assigned inspector. As such, contractual services are necessary to support the additional workload. This proposed new contract amendment will fill in this gap and allow the City to meet its inspection obligations.

Fiscal Impact: None. Sufficient funding exists within the Fire Department budget.

Recommendation: Approve an amendment to the contract for fire inspection and plan review services for a total amount-not-to-exceed \$64,000 annually.

- * 10. **Award the Bid for McCarthy Ranch Landscape Maintenance Services to Jensen Landscape Services, Inc. for the Annual Not-to-Exceed Amount of \$62,879 (Staff Contact: Chris Schroeder, 586-3161)**

Background: On July 1, 2010, the City of Milpitas sent out a Request for Proposals (RFP) for landscape maintenance services for the McCarthy Ranch Landscape and Lighting Maintenance District. Purchasing worked closely with the Public Works Tree and Landscape Maintenance Section to develop the specification and bid package for the RFP. The RFP was advertised in the local newspaper, on the City website and on Public Purchase.

Nine proposals were received and evaluated by a committee of three, including the Tree and Landscape Maintenance Senior Supervisor and two Maintenance staff, who scored the proposals based on eight criteria. The proposers' company backgrounds, technical abilities, and references were evaluated. Interviews of the top three proposers were conducted. The recommendation for award is based on the offering considered to be the most advantageous to the City. Final pricing for the bid at \$62,879.00 includes two annual plantings and maintenance of a 2" mulch depth that were not part of the basic service previously. The new contract represents a savings of \$10,945.00 per year over the previous contract, and is for three years with two one-year options for renewal.

Fiscal Impact: None. Funds are available from the McCarthy Ranch Landscape and Lighting Maintenance Assessment District FY 2010-11 Operating Budget for this service.

Recommendation: Award the bid and authorize the City Manager to execute a contract with Jensen Landscape Services, Inc. for McCarthy Ranch Landscape Maintenance Service for the annual not to exceed amount of \$62,879.

- * 11. **Approve Amendment No. 4 to the Agreement with ThyssenKrupp Elevator Platinum Maintenance and Repair for an Annual Not-to-Exceed Amount of \$ 32,651.40 (Staff Contact: Chris Schroeder, 586-3161)**

Background: The elevators in the City Hall are ThyssenKrupp brand elevators and the elevators in the Police and Public Works building are Dover brand, which was bought out by ThyssenKrupp. The technology to maintain the elevators is proprietary, solely owned by ThyssenKrupp. In August of 2005, the City entered into an annual automatically renewing Platinum Maintenance Agreement with ThyssenKrupp pursuant to MCC Section I-2-3.09 "Sole Source Procurement." The contract provides for an annual adjustment of the maintenance service costs. Amendment No. 4 will increase the annual maintenance cost from \$19,139.16 to \$19,651.40 and incorporate an updated "Attachment A" – Billing Rate Breakdown (effective 01-01-10) for incidental repair work not covered by the maintenance service. The incidental repairs amount is estimated to be \$13,000 per year, based on previous years' experiences. The total contract amount for FY 2010-11 will increase from \$32,139.16 to \$32,651.40.

Fiscal Impact: None. This is a programmed expense approved in the FY 2010-11 budget for Facilities Maintenance.

Recommendation: Approve Amendment No. 4 to the agreement with ThyssenKrupp Elevator Platinum Maintenance and Repair for an annual not-to-exceed amount of \$32,651.40.

XXI. ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY, SEPTEMBER 7, 2010