



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

**TUESDAY, NOVEMBER 2, 2010**

**7:00 P.M.  
455 E. CALAVERAS BOULEVARD**

**SUMMARY OF CONTENTS**

- I. CALL TO ORDER by the Mayor**
- II. ROLL CALL by the City Clerk**
- III. PLEDGE OF ALLEGIANCE**
- IV. INVOCATION (Mayor Livengood)**
- V. APPROVAL OF COUNCIL MEETING MINUTES – October 19, 2010**
- VI. SCHEDULE OF MEETINGS – Council Calendar for November 2010**
- VII. PRESENTATION – Commending Police Officers David Morris and John Muok**
- VIII. 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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- IX. ANNOUNCEMENTS**
- X. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- XI. APPROVAL OF AGENDA**
- XII. CONSENT CALENDAR (Items with asterisk\*)**

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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.

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**XIII. PUBLIC HEARINGS**

- 1. Hold a Public Hearing, Waive the First Reading and Introduce Ordinance No. 113.22 Adopting the 2010 Edition of the California Fire Code and Specified Local Amendments (Staff Contact: Albert Zamora, 586-3371)**
- 2. Hold a Public Hearing, Waive the First Reading and Introduce Ordinance No. 65.140 Amending Building Code Administration, Adopt and Amend by Reference the 2010 Editions of the California Building Code, California Residential Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California**

Historical Building Code, California Green Building Standards Code, California Energy Code and California Existing Building Code; Adopt by Reference the 2009 Edition of the International Existing Building Code Appendix Chapters A2, A3, A4 and A5 (Staff Contact: Keyvan Irannejad, 586-3244)

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

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

**RA2. Approval of Minutes – October 5, 2010**

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

**\*RA4. Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended September 30, 2010 (Staff Contact: Emma Karlen, 586-3145)**

**RA5. Adjournment**

**XV. REPORTS OF MAYOR, COUNCIL AND COMMISSION**

**\* 3 Consider Mayor’s Recommendations for Appointments to Two Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

**\* 4. Request of Councilmember Gomez to Adjust December Meeting Schedule of the City Council (Contact: Councilmember Gomez, 586-3032)**

**Parks, Recreation & Cultural Resources Commission**

**\* 5. Approve One Family Child Care Assistance Fund Grant Request (Staff Contact: Toby Librande, 586-3077)**

**XVI. NEW BUSINESS**

**\* 6. Approve the Milpitas Commissioners’ Recognition Event for 2011 (Staff Contact: Dale Flunoy, 586-3228)**

**XVII. RESOLUTIONS**

**\* 7. Adopt a Resolution Authorizing the Police Chief to Execute an Agreement with the Regents of the University of California, Berkeley School of Public Health - Safe Transportation Research and Education Center, and the California Office of Traffic Safety for the Next Generation - Click It or Ticket Mini-Grant Program (Staff Contact: Kevin Moscuza, 586-2435)**

**\* 8. Adopt a Resolution Authorizing the Police Chief to Execute an Agreement with the Regents of the University of California, Berkeley School of Public Health - Safe Transportation Research and Education Center, and the California Office of Traffic Safety for the Sobriety Checkpoint Mini-Grant Program (Staff Contact: Kevin Moscuza, 586-2435)**

**\* 9. Adopt a Resolution Granting Initial Acceptance of and Reducing the Performance Bond for Park Renovation 2009 “Pathways,” Project No. 5089 (Staff Contact: Steve Erickson, 586-3301)**

**\* 10. Adopt a Resolution Granting Acceptance of and Releasing the Performance Bond for Cardoza Park Playground Renovation Landscape Maintenance, Project No. 5088 (Staff Contact: Steve Erickson, 586-3301)**

**XVIII. BIDS & CONTRACTS**

- \* 11. **Authorize the City Manager to Execute a Cooperative Agreement with the State of California Department of Transportation to Provide Surveying Services and Right of Way Closeout for I-880/Tasman Drive, Project No. 4039, and SC1 237/I-880, Project No. 4170 (Staff Contact: Fernando Bravo, 586-3328)**
- \* 12. **Approve Amendment No. 1 to the Agreement with Jensen Landscape Services, Inc. for McCarthy Ranch Landscape Maintenance Services for the Not-to-Exceed Amount of \$26,932 (Staff Contact: Chris Schroeder, 586-3161)**

**XIX. DEMAND**

- \* 13. **Receive Report and Authorize Payment for Emergency Repair Services for Power Generator Radiator at the Police/Public Works Building (Staff Contacts: Greg Armendariz, 586-3317, and Chris Schroeder, 586-3161)**

**XX. ADJOURNMENT**

**NEXT REGULAR MEETING: TUESDAY, NOVEMBER 16, 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](mailto: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](http://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:

- Arts Commission/Public Art Committee (alternate)*
- Bicycle Pedestrian Advisory Commission (alternate)*
- Emergency Preparedness Commission*
- Mobile Home Park Rental Review Board*
- Parks, Recreation & Cultural Resources Commission (alternates)*
- Recycling & Source Reduction Advisory Commission (alternate)*
- Senior Advisory Commission*
- Sister Cities Commission (alternate)*
- Youth Advisory Commission (alternates)*

Applications are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at the City Hall Information Desk.

Contact the City Clerk's office (586-3003) for more information.

*If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 586-3001 or send an email to [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings. TDD phone number (408) 586-3013.*

## AGENDA REPORTS

### XIII. PUBLIC HEARINGS

**1. Hold a Public Hearing, Waive the First Reading and Introduce Ordinance No. 113.22 Adopting the 2010 Edition of the California Fire Code and Specified Local Amendments (Staff Contact: Albert Zamora, 586-3371)**

**Background:** The California State Building Standards Commission adopted the International Fire Code with State amendments that becomes effective on January 1, 2011. In order for jurisdictions to maintain their current level of regulation without interruption, the code must be adopted with local amendments. As with past code adoptions, the Santa Clara County Fire Marshals Association collaborated to develop standardized amendments for use throughout the County that would maintain the existing level of regulation for the protection of public health and safety. The draft Ordinance, included in the agenda packet, was reformatted due to the following:

1. Chapter 1 was previously in the Appendix Section of the 2007 Edition of the California Fire Code, and is now in the front of the main text of the 2010 Edition of the California Fire Code.
2. Chapters 45 – 47 in the 2007 Edition of the California Fire Code have been modified and expanded to Chapters 45 – 49 of the 2010 Edition of the California Fire Code.

**Fiscal Impact:** None.

**Attachments:**

- A. Resolution
- B. Ordinance No. 113.22

**Recommendations:**

1. Open the public hearing, and after hearing public comment, move to close the public hearing.
  2. Adopt a Resolution citing findings of fact, providing reasons for local amendments to the California Fire Code.
  3. Waive the first reading beyond the title of Ordinance No. 113.22.
  4. Introduce Ordinance No. 113.22, enacted as Chapter 300, Title V of the Milpitas Municipal Code.
- 2. Hold a Public Hearing, Waive the First Reading and Introduce Ordinance No. 65.140 Amending Building Code Administration, Adopt and Amend by Reference the 2010 Editions of the California Building Code, California Residential Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Historical Building Code, California Green Building Standards Code, California Energy Code and California Existing Building Code; Adopt by Reference the 2009 Edition of the International Existing Building Code Appendix Chapters A2, A3, A4 and A5 (Staff Contact: Keyvan Irannejad, 586-3244)**

**Background: Building Code Administration:** Administration is an important part of the technical building codes and each code contains a separate administration section. Rather than adopting nine separate administration sections, the City of Milpitas consolidated the administrative provisions of all the codes into one document, modeled after the International Building Code as published by the International Code Council.

**California Building, Residential, Mechanical, Electrical, Plumbing, Energy and Green Building Standards Code.** State law requires each California City and County to adopt state model building codes and referenced standards as listed above. Local jurisdictions are permitted to make amendments to the model codes that are reasonably necessary due to local climatic

geological or topographical conditions. The Building and Safety Department has participated with most cities and counties in the East Bay, Peninsula and Monterey Chapters of the International Code Council (ICC), in the preparation of common code amendments. These amendments are found in the Building Code, the Residential Code, the Plumbing Code, the Mechanical Code and the Electrical Code. The most significant amendments under proposal are found in Chapters 16, 18, 23 and 34 of the California Building Code and are related to the design of buildings and structures to resist earthquake and wind forces. The State Building Codes, along with proposed local amendments, provide minimum standards for the design, construction material testing and installation of fire protection, exiting, structural, plumbing, mechanical and electrical systems for residential and non-residential buildings and related structures.

**California Existing Building Code and International Existing Building Code.** The California Existing Building Code, 2010 Edition and International Existing Building Code, 2009 Edition Appendix Chapters A2, A3, A4 and A5, are model building codes that provide the technical means to encourage the continued use or reuse of legally existing buildings and structures by establishing minimum standards for change of occupancy and alteration or repair of existing buildings and structures.

**California Historical Building Code.** The California Historical Building Code, 2010 Edition is a state model building code that provides regulations for preservation, restoration, rehabilitation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

This Ordinance is being provided in its first reading as a redlined version to easily identify the changes to the Milpitas Municipal Code Title II.

**Fiscal Impact:** None.

**Attachments:**

- A. Resolution
- B. Ordinance No. 65.140

**Recommendations:**

1. Open public hearing for comments; and, move to close the public hearing.
2. Adopt a Resolution citing findings of fact providing reasons for amendments to the California Building Code, the California Residential Code, the California Mechanical Code, the California Electrical Code, the California Plumbing Code and California Existing Building Code.
3. Waive the first reading beyond the title of Ordinance No. 65.140.
4. Introduce Ordinance No. 65.140 enacted as Chapter 1, Chapter 3, Chapter 3.5, Chapter 5, Chapter 6, Chapter 7, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 19, Chapter 90, and Chapter 150 of Title II of the Milpitas Municipal Code revising provisions for Building Regulations.

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

**\*RA4. Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended September 30, 2010 (Staff Contact: Emma Karlen, 586-3145)**

**Background:** In compliance with the State of California Government Code and the City's Investment policy, the City of Milpitas Investment Report for the quarter ended September 30, 2010 is submitted for the Agency/Council's review and acceptance.

The Portfolio Summary Report (included in the Council's packet) provides a summary of the City's investments by type. It lists the par value, market value, book value, percentage of portfolio, term, days to maturity and the equivalent yields for each type of investment. The

Portfolio Details Report provides the same information for each individual investment in the City's portfolio as of September 30, 2010.

As of September 30, 2010, the principal cost and market value of the City's investment portfolio was \$143,779,788 and \$146,009,316 respectively. When market interest rates increase after an investment is purchased, the market value of that investment decreases. Conversely, when market interest rates decline after an investment is purchased, the market value of that investment increases. If the investments are not sold prior to the maturity date, there is no market risk. Therefore, in accordance with the City's investment policy, all investments are held until maturity to ensure the return of all invested principal.

The City's effective rate of return for the period ended September 30, 2010 was 1.81%. The comparative benchmarks for the same period were 0.25% for LAIF (Local Agency Investment Fund) and 0.76% for the 12-month average yield of the 2-year Treasury Note. Excluding the investment of the bond proceeds, the weighted average maturity of the portfolio was 380 days.

The investment portfolio is in compliance with the City's investment policy. A combination of securities maturing, new revenues, and tax receipts will adequately cover the anticipated cash flow needs for the next six months. Cash flow requirements are continually monitored and are considered paramount in the selection of maturity dates of securities.

The market values of the securities were provided by Union Bank, the safekeeping bank of the City's securities. All the securities owned by the City are held in the trust department of the Union Bank under the terms of a custody agreement.

Three charts are included with the agenda packet showing investment by maturity levels, comparison of the City's portfolio yields to other benchmark yields as well as a trend of the type of securities in the City's portfolio, weighted average maturity and average yield.

**Fiscal Impact:** None.

**Recommendation:** Receive the investment report for the quarter ended September 30, 2010.

#### **RA8. Adjournment**

### **XV. REPORTS OF MAYOR, COUNCIL AND COMMISSION**

- \* **3 Consider Mayor's Recommendations for Appointments to Two Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

**Background:** Mayor Livengood recommends the following citizens be appointed to Milpitas commissions as follows:

**Arts Commission/Public Art Committee:** Appoint Marcella Anthony (current Alternate No. 2) as Alternate No. 1 to a term that expires in October 2010.

**Youth Advisory Commission:** Newly appoint Sabrina Leon as Alternate No. 3 to a term that expires in September 2011.

**Recommendation:** Consider the recommendations from Mayor Livengood, and move to approve his recommended appointments to two Milpitas Commissions.

- \* **4. Request of Councilmember Gomez to Adjust December Meeting Schedule of the City Council (Contact: Councilmember Gomez, 586-3032)**

**Background:** Councilmember Gomez made a request the October 19 meeting, asking his colleagues to consider canceling the second regularly scheduled City Council meeting in December (on the 21<sup>st</sup>). In other years, when the meeting date has fallen close to the holidays, City Council has made this adjustment. The next regular meeting after December 7 would be Tuesday, January 4, 2011.

**Recommendation:** Move to adjust the 2010 City Council meeting schedule to cancel the regularly scheduled meeting on December 21, 2010.

**Parks, Recreation & Cultural Resources Commission**

\* **5. Approve One Family Child Care Assistance Fund Grant Request (Staff Contact: Toby Librande, 586-3077)**

**Background:** At its meeting on October 4, 2010, the Parks, Recreation and Cultural Resources Commission (PRCRC) reviewed one Family Child Care Assistance Fund grant application. The application met eligibility guidelines and represents the last of the grant applications recommended for funding. The PRCRC recommended distributing a \$240 grant to Francisca Diaz. Included in the Council's agenda packet is the background information regarding this item.

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

**Recommendation:** Approve one grant from the Family Child Care Assistance Fund in the amount of \$240.00 to Francisca Diaz.

**XVI. NEW BUSINESS**

\* **6. Approve the Milpitas Commissioners' Recognition Event for 2011 (Staff Contact: Dale Flunoy, 586-3228)**

**Background:** The City of Milpitas recognizes its Commissioners in April at the annual Commissioners' Recognition Event. The event celebrates the volunteerism of the Commission and Committee Members and their accomplishments. Many positive comments from Commissioners were received from last year's recognition event, and were extremely pleased with the venue. Last year, City Council donated \$3,000 towards the new Veterans Memorial Bench. For next year, staff has provided two proposals for the City Council to consider. A line item has been approved in the FY 2010-11 City budget for this event.

Two proposals for the 2011 Commissioners Recognition Event for consideration are listed below.

**Option A**

A Commissioners' Celebration Brunch would be held at Dave & Busters on Saturday, April 9, 2011 from 9:00 to 11:00 am. A sit down buffet brunch would be provided for Commissioners and Committee members plus one guest each. Signature Buffet includes chef-carved brown sugar glazed ham, chef's omelet station, crisp bacon, breakfast sausage, country redskin potatoes, toasted English muffins with whipped butter and jelly, blackened chicken pasta, goldfingers (chicken strips) served with chipotle-honey sauce, fresh fruit display, assorted dessert squares, assorted juices, coffee, and hot tea. There is a \$1,500 cost savings to the City of Milpitas.

**Suggested Gift:** Key chain with City Logo - \$1,500  
\$1,500 - cost savings

**Held at Dave & Busters**

Food/Drink:	\$5,425	(Signature Buffet - based on 175 attendees)
Invitations/Certificates	\$ 600	
Entertainment:	\$ 400	
Misc. Supplies:	\$ 500	

Gift: \$1,500  
\$8,425

**Option B**

A Commissioners' Celebration Brunch would be held at Dave & Busters on Saturday, April 9, 2011 from 9:00 to 11:00 am. In foregoing a gift this year, Commissioners in their name would donate \$3,000 towards a new updated sign for the Veterans Memorial area.

**Suggested Gift:** Make a donation on behalf of the Commissioners towards a new updated Veterans Memorial sign – \$3,000.

Food/Drink:	\$5,425 (Signature Buffet - based on 175 attendees)
Invitations/Certificates	\$ 600
Entertainment:	\$ 400
Misc. Supplies:	\$ 500
<u>Veterans Plaza Sign:</u>	<u>\$3,000</u>
	\$9,925

**Recommendation:** Approve Option B, Commissioners' Celebration Brunch, for the 2011 Commissioners' Recognition Event, to be held at Dave & Busters with a total budget of \$9,925, including \$3,000 to go towards a new updated sign for the Veterans Memorial.

**XVII. RESOLUTIONS**

- \* 7. **Adopt a Resolution Authorizing the Police Chief to Execute an Agreement with the Regents of the University of California, Berkeley School of Public Health - Safe Transportation Research and Education Center, and the California Office of Traffic Safety for the Next Generation - Click It or Ticket Mini-Grant Program (Staff Contact: Kevin Moscuza, 586-2435)**

**Background:** The Regents of the University of California, Berkeley School of Public Health - Safe Transportation Research and Education Center, and the California Office of Traffic Safety are administering the 2010-2011 Next Generation – Click It or Ticket mini-grant program that offers mini-grant funds to reimburse law enforcement agencies for overtime expenditures specifically directed towards seat belt enforcement campaigns. The goal of the Next Generation - Click It or Ticket mini-grant program is to increase statewide seat belt use to 96% by 2011. The City of Milpitas Police Department has been approved for a mini-grant of \$3,004.48 to conduct up to two seat belt enforcement campaigns in Milpitas from November 15, 2010 to June 6, 2011.

**Fiscal Impact:** None. The grant will cover the Police Department overtime incurred to conduct the seat belt enforcement campaigns.

**Recommendations:**

1. Adopt a resolution authorizing the Police Chief to execute the agreement with the Regents of the University of California, Berkeley School of Public Health - Safe Transportation Research and Education Center, and the California Office of Traffic Safety for the Next Generation – Click It or Ticket mini-grant program.
  2. Approve a budget appropriation in the amount of \$3,004.48 for Police Department overtime budget from grant revenue.
- \* 8. **Adopt a Resolution Authorizing the Police Chief to Execute an Agreement with the Regents of the University of California, Berkeley School of Public Health - Safe Transportation Research and Education Center, and the California Office of Traffic Safety for the Sobriety Checkpoint Mini-Grant Program (Staff Contact: Kevin Moscuza, 586-2435)**

**Background:** The Regents of the University of California, Berkeley's School of Public Health Safe Transportation Research and Education Center, and the California Office of Traffic Safety are administering the 2010-11 Sobriety Checkpoint mini-grant program that offers mini-grant funds to reimburse law enforcement agencies for overtime expenditures specifically directed towards conducting sobriety checkpoints. The goal of the statewide sobriety checkpoint program is to reduce the number of people killed in alcohol-related crashes. The City of Milpitas Police Department has been approved for a mini-grant of \$16,764.28 to conduct up to two sobriety checkpoints in Milpitas between November 1, 2010 and September 6, 2011.

**Fiscal Impact:** None. The grant will cover the Police Department overtime incurred to conduct the sobriety checkpoints.

**Recommendations:**

1. Adopt a resolution authorizing the Police Chief to execute the agreement with the Regents of the University of California, Berkeley School of Public Health Safe - Transportation Research and Education Center, and the California Office of Traffic Safety for the Sobriety Checkpoint mini-grant program.
2. Approve a budget appropriation in the amount of \$16,764.28 for Police Department overtime budget from grant revenue.

- \* **9. Adopt a Resolution Granting Initial Acceptance of and Reducing the Performance Bond for Park Renovation 2009 "Pathways," Project No. 5089 (Staff Contact: Steve Erickson, 586-3301)**

**Background:** The Council awarded the Park Renovation 2009 "Pathways" to AME Contracting Company on June 15, 2010. The project provides for the repair or replacement of cracked and lifted sidewalks, walking pathways, and replacement of redwood header board in the Dixon Landing, Pinewood, Murphy, and Robert E. Browne Parks. Hidden Lake and Strickroth Parks were added as a contract change order approved by the Council on September 7, 2010. The project has been successfully completed, and staff recommends the Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor's faithful performance bond to \$6,569.50, which is 10% of the final contract value.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution granting initial acceptance of the Park Renovation 2009 "Pathways" Project No. 5089, subject to a one year warranty period and reduction of the faithful performance bond to \$6,569.50.

- \* **10. Adopt a Resolution Granting Acceptance of and Releasing the Performance Bond for Cardoza Park Playground Renovation Landscape Maintenance, Project No. 5088 (Staff Contact: Steve Erickson, 586-3301)**

**Background:** The Council awarded the Cardoza Park Playground Renovation and Electrical Cabinet Upgrade project to Guerra Construction Group on December 15, 2009. This first phase of the project was completed and initially accepted on August 3, 2010. The second phase of this project provided for a 90-day landscape maintenance period that was increased to 120 days by contract change order. The landscaping has been established and the maintenance period has been successfully completed, and staff recommends the Council adopt a resolution accepting the landscape maintenance portion of the project and authorizing the release of the contractor's performance bond.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution granting acceptance of the Cardoza Park Playground Renovation Landscape Maintenance Project, Project No. 5088, and releasing the contractor's performance bond.

## XVIII. BIDS & CONTRACTS

- \* 11. **Authorize the City Manager to Execute a Cooperative Agreement with the State of California Department of Transportation to Provide Surveying Services and Right of Way Closeout for I-880/Tasman Drive, Project No. 4039, and SC1 237/I-880, Project No. 4170 (Staff Contact: Fernando Bravo, 586-3328)**

**Background:** The City of Milpitas designed and constructed the State Highway improvements consisting of the reconstruction of the Route 237/880 interchange, including direct connectors and High Occupancy Vehicle lanes and the construction of a new interchange and auxiliary lanes on Route I-880 at Tasman Drive. The construction of both projects was completed for some time now. Caltrans and the City have agreed to enter into a Cooperative Agreement in order for Caltrans to provide professional surveying and right of way engineering services to close out this project, for a not-to-exceed amount of \$177,000.

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

**Recommendation:** Authorize the City Manager to execute a cooperative agreement with the State of California Department of Transportation to provide surveying services and right of way closeout for I-880/Tasman Drive, Project No. 4039 and SC1 237/I-880 Project No. 4170 for a not-to-exceed amount of \$177,000.

- \* 12. **Approve Amendment No. 1 to the Agreement with Jensen Landscape Services, Inc. for McCarthy Ranch Landscape Maintenance Services for the Not-to-Exceed Amount of \$26,932 (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On August 30, 2010 after winning the competitive bid, Jensen Landscape Service, Inc. entered into a three year contract with the City to provide landscape maintenance service in the McCarthy Ranch Landscape and Lighting Maintenance District area. This amendment expands the scope of the contract to cover tree pruning on the west side of N. McCarthy Blvd. for \$16,932 and incidental irrigation repairs that were not contemplated in the original agreement for \$10,000. The total amount of the contract for Fiscal Year 2010-11 will be increased to \$89,811.

**Fiscal Impact:** None: There are sufficient funding approved in the FY 2010-11 budget for the McCarthy Ranch Landscape and Lighting Maintenance District No. 95-1.

**Recommendation:** Approve amendment No. 1 to the agreement with Jensen Landscape Services, Inc. to increase the McCarthy Ranch landscape maintenance services contract amount in Fiscal Year 2010-11 by \$26,932, for a total contract amount of \$89,811.

## XIX. DEMAND

- \* 13. **Receive Report and Authorize Payment for Emergency Repair Services for Power Generator Radiator at the Police/Public Works Building (Staff Contacts: Greg Armendariz, 586-3317, and Chris Schroeder, 586-3161)**

**Background:** A maintenance inspection was conducted on the emergency power generator for the Public Works/Police Department building and this inspection confirmed a crack in the radiator causing loss of engine coolant. This generator unit provides emergency electrical power to the Police Department, Dispatch/911 Center, IS Main Computer Room, Public Works and the Emergency Operations Center (EOC.) The need to make immediate repairs to this emergency power generator was necessary, due to the potential threat to the public health and safety.

Work scope and price quotes for these emergency repairs were received from Peterson Cat Power Systems and Cummins West. Peterson Cat provided the low bid in the amount of \$23,391.39. The emergency work was completed on September 22, 2010, and consisted of installing a rental generator unit while permanent generator is “off-line” for repairs, disassembly of the generator housing, removal and installation of a new radiator, all related work and engine load testing. Due to the critical nature of the work, the purchase of repair services described herein was made pursuant to Milpitas Municipal Code Section I-2-3.10 “Emergency Authority of Purchasing Agent.” The work was completed for the bid amount and staff recommends that Council authorize payment for these emergency services performed.

**Fiscal Impact:** None. Funds for this emergency repair work and installation are available in the Public Works operating budget.

**Recommendation:** Receive report and authorize payment for emergency repair services for power generator radiator at the Police/Public Works building.

**XX. ADJOURNMENT**

**NEXT REGULAR MEETING: TUESDAY, NOVEMBER 16, 2010**