



**MILPITAS CITY COUNCIL MEETING AGENDA
TUESDAY, JUNE 19, 2012**

**455 EAST CALAVERAS BLVD, MILPITAS, CA
6:15 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)**

SUMMARY OF CONTENTS

I. CALL TO ORDER/ROLL CALL by the Mayor (6:15 p.m.)

II. ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Continuation of performance review of City Attorney Michael Ogaz

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Councilmember Giordano)

VI. APPROVAL OF COUNCIL MEETING MINUTES - June 5, 2012

VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS for June and July 2012

VIII. PRESENTATIONS

- Presenting Award to City Council by the Tobacco Free Coalition of Santa Clara County and Community Advocate Teens of Today
- Proclaim *Parks and Recreation Month* for July 2012
- Present Recreation Services 2011 PLAY Awards to local businesses and to 4th of July sponsors

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 asterisks*)

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 HEARINGS

- 1. Hold a Public Hearing and Adopt a Resolution Approving the Annual Engineer's Report, and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Fernando Bravo, 586-3328)**
- 2. Hold a Public Hearing and Adopt a Resolution Approving the Annual Engineer's Report, and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Fernando Bravo, 586-3328)**

XV. REPORTS OF OFFICERS AND COMMISSION

- * 3. Consider Mayor's Recommendations for Appointment/Re-appointments to Five Milpitas Commissions (Contact: Mayor Esteves, 586-3029)**
- 4. Consider Amendment to Council Handbook Regarding Use of Electronic Devices at Council Meetings (Contact: Councilmember Giordano, 586-3032)**

Library Advisory Commission

- * 5. Accept Recommendations to Allow a Mural Inside the Milpitas Public Library (Staff Contact: Sheldon AhSing, 586-3278)**
- * 6. Accept a Donation to the Milpitas Public Library and Approve the Spending Plan from the Library Advisory Commission (Staff Contact: Sheldon AhSing, 586-3278)**

XVI. NEW BUSINESS

- 7. Receive a Progress Report on the Bay Area Rapid Transit (BART) Silicon Valley Berryessa Extension Project (Staff Contact: Kathleen Phalen, 586-3354)**
- * 8. Accept a Homeland Security Grant Program Funds for Specialized Firefighter Rescue Training (Staff Contract: Rick Frawley, 586-2820)**
- * 9. Receive a Report from the Acting Public Works Director on Emergency Contract Work Order for Replacement of Glass Headers at City Hall Exit Doors, Project No. 3406 (Staff Contact: Kathleen Phalen, 586-3345)**

XVII. RESOLUTIONS

- * 10. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the Department of Energy Grant Program, Project No. 5094 (Staff Contact: Steve Erickson, 586-3301)**
- * 11. Adopt a Resolution Annexing Certain Real Property into Community Facilities District No. 2005-1, Authorize Execution of a Subdivision Improvement Agreement and Related Infrastructure Documents, and Approve Final Map (Tract No. 10029) and Plans for Sinclair Renaissance, Project No. 3211 (Staff Contact: Fernando Bravo, 586-3328)**
- 12. Consider the Santa Clara Valley Water District's Request to Adopt a Resolution Supporting the Clean Water and Natural Flood Protection Plan and Supporting the Water District's Placement of the Plan and Special Tax on the November 6, 2012 Ballot (Staff Contact: Kathleen Phalen, 586-3345)**

XVIII. BIDS AND CONTRACTS

- * 13. **Authorize the City Manager to Execute Amendment No. 2 to Contract with CalRecovery, Inc. for Solid Waste Consulting Services (Staff Contact: Marilyn Nickel, 586-3345)**
- * 14. **Authorize the City Manager to Award a Construction Contract for Fire Station Improvements (Fire Station No. 1 Exterior Upgrades), Project No. 3403 (Staff Contact: Steve Erickson, 586-3301)**
- * 15. **Authorize the City Manager to Award and Execute a Construction Contract with O’Grady Paving, Inc. for Street Resurfacing Project 2013, Project No. 4268 (Staff Contact: Steve Chan, 586-3324)**
- * 16. **Authorize the City Manager to Award a Construction Contract for Park Renovation Project 2011 “Pathways” for Pinewood and Albert Augustine Jr. Memorial Parks, Project No. 5091 (Staff Contact: Steve Erickson, 586-3301)**
- * 17. **Approve a Budget Appropriation for Abel Street Transit Connection, Project No. 4260 (Staff Contact: Steve Erickson, 586-3301)**
- * 18. **Approve and Authorize the City Manager to Execute an Agreement with JDH Corrosion Consultants for Water System Replacement (Cathodic Protection Improvements), Project No. 7109 (Staff Contact: Steve Erickson, 586-3301)**
- * 19. **Approve and Authorize the City Manager to Execute an Agreement with Advance Design Consultants for Water System Improvements for Country Club and Tularcitos Pump Station Electrical Upgrades, Project No. 7100 (Staff Contact: Steve Erickson, 586-3301)**
- * 20. **Approve Renewal of Excess Workers’ Compensation Insurance Contracted via Brown & Brown of California (Staff Contact: Carmen Valdez, 586-3086)**
- * 21. **Approve Second Amendment to Contract with Jarvis, Fay, Doporto & Gibson for Attorney Services Relative to Odor Control Issues (Staff Contact: Michael Ogaz, 586-3040)**
- * 22. **Authorize the City Manager to Execute an Acquisition Agreement with D.R. Horton for Offsite Sewer 11A and a Portion of 11B Improvements, Project No. 2709 (Staff Contact: Fernando Bravo, 586-3328)**
- * 23. **Authorize the City Manager to Execute a Master Agreement with the County of Santa Clara for the Senior Nutrition Program, and Contract Documents for the Provision of Meal Services by Compass Group USA, Inc. and New Orient Restaurant (Staff Contact: Aaron Bueno, 586-3226)**
- * 24. **Award the Bid for Exercise Equipment Preventative Maintenance Service and Repair, and Authorize the City Manager to Execute a Contract with Gym Doctors for the Annual Not-to-Exceed Amount of \$9,600, and Authorize the City Manager to Grant Yearly Increases Pursuant to the Contract (Staff Contact: Chris Schroeder, 586-3161)**
- * 25. **Award the Bid for Tee Shirts for the Summer Camp Programs, and Authorize the City Manager to Execute a Contract with Alpine Awards, Inc. for the Annual Not-to-Exceed Amount of \$8,800 (Staff Contact: Chris Schroeder, 586-3161)**
- * 26. **Approve a Contract with Barry Poole for the Annual Not-to-Exceed Amount of \$45,000 (Staff Contact: Chris Schroeder, 586-3161)**
- * 27. **Approve a Contract with Communication Academy for the Annual Not-to-Exceed Amount of \$30,000 (Staff Contact: Chris Schroeder, 586-3161)**

- * 28. **Approve a Contract with Jensen Performing Arts for the Annual Not-to-Exceed Amount of \$25,000 (Staff Contact: Chris Schroeder, 586-3161)**
- * 29. **Approve a Contract with Noteworthy Music for the Annual Not-to-Exceed Amount of \$35,000 (Staff Contact: Chris Schroeder, 586-3161)**

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, AUGUST 7, 2012 AT 7:00 P.M.**

NO COUNCIL MEETINGS IN JULY

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, 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 after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, on website, and at Milpitas Library during normal business hours.

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist on the:

*Public Art Committee (Alliance for the Arts member)
Community Advisory Commission (alternate)
Emergency Preparedness Commission
Library Advisory Commission (alternate)
Telecommunications Commission (alternate)*

Applications are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.
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 HEARINGS

1. **Hold a Public Hearing and Adopt a Resolution Approving the Annual Engineer's Report, and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Fernando Bravo, 586-3328)**

Background: On June 5, 2012, the City Council adopted Resolution of Intention No. 8180 to levy annual assessments for the Landscaping and Lighting Maintenance Assessment District No. 95-1. The District provides for servicing and maintaining the public landscaping and additional lighting along North McCarthy Boulevard and the gateway feature on Ranch Drive. An annual public hearing is necessary to adopt the Annual Engineer's Report to provide funds for the District. The total assessment for the District in the Annual Engineer's Report is \$276,676.00 for FY 2012-2013. This assessment is within the previously approved range of assessments.

Fiscal Impact: None.

Attachments:

1. Resolution
2. Annual Report

Recommendations:

1. Open the public hearing, receive any written protests, and hear testimony.
2. Move to close the public hearing.
3. Adopt a resolution approving the Annual Engineer's Report, confirm diagram and assessment and ordering levy of assessments for Fiscal Year 2012-13 for Landscaping and Lighting Maintenance Assessment District No. 95-1.

2. **Hold a Public Hearing and Adopt a Resolution Approving the Annual Engineer's Report, and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Fernando Bravo, 586-3328)**

Background: On June 5, 2012, the City Council adopted Resolution of Intention No. 8181 to levy annual assessments for the Landscaping and Lighting Maintenance Assessment District No. 98-1. The District provides for servicing and maintaining the public landscaping along Sinclair Frontage Road, Los Coches Creek and Berryessa Creek abutting the Sinclair Horizon residential subdivision. An annual public hearing is necessary to adopt the Annual Engineer's Report to provide funds for the District. The total assessment for the District in the Annual Engineer's Report is \$35,847.00 for FY 2012-2013. This assessment is within the previously approved range of assessments.

Fiscal Impact: None.

Attachments:

1. Resolution
2. Annual Report

Recommendations:

1. Open the public hearing, receive any written protests, and hear testimony.
2. Move to close the public hearing.
3. Adopt a resolution approving the Annual Engineer's Report, confirm diagram and assessment, and ordering levy of assessments for Fiscal Year 2012-13, for Landscaping and Lighting Maintenance Assessment District No. 98-1.

XV. REPORTS OF OFFICERS AND COMMISSION

* 3. Consider Mayor's Recommendations for Appointment/Re-appointments to Five Milpitas Commissions (Contact: Mayor Esteves, 586-3029)

Background: Mayor Esteves recommends the following citizens be appointed/re-appointed to five Milpitas Commissions as follows:

Arts Commission/Public Art Committee

Newly appoint Doris Roth as Alternate No. 2 to a term that expires in October 2013.

Public Art Committee

Newly appoint Linda Vrabel as a general member to a term that expires in October 2014.

Emergency Preparedness Commission

Re-appoint Pamela Wells to a term that expires in June 2015.

Re-appoint Michael Berryhill to a term that expires in June 2015.

Library Advisory Commission

Re-appoint Yu-Lan Chou to a term that expires in June 2014.

Re-appoint Margie Stephens to a term that expires in June 2014.

Re-appoint Elpidio Estioko to a term that expires in June 2014.

Appoint Ha Phan (Alternate No. 1) as a regular member to a term that expires in June 2014.

Appoint Marie Pham (Alternate No. 2) as Alternate No. 1 to a term that expires in June 2013.

Newly appoint Hellie Mateo as Alternate No. 2 to a term that expires in June 2013.

Parks, Recreation and Cultural Resources Commission

Re-appoint Steve Munzel to a term that expires in June 2015.

Re-appoint Rohit Sharma to a term that expires in June 2015.

Recommendation: Consider the recommendation from Mayor Esteves, and move to approve his recommended appointments and re-appointments to five Milpitas Commissions.

4. Consider Amendment to Council Handbook Regarding Use of Electronic Devices at Council Meetings (Contact: Councilmember Giordano, 586-3032)

Background: Several City Councils in the region limit the use of electronic devices (cell phones, ipads, etc.) while Councilmembers are conducting City business from the dais. A recent memo from the City Attorney to the City Council outlining the various options presently in use by different cities is included in the Council's agenda packet.

Councilmember Giordano would like the Council to consider adopting an amendment to the City Council Handbook that would mirror the version used in the City of Mountain View. Mountain View's restriction provides that members of the City Council should avoid receiving electronic communications concerning any matter before the City Council or during City Council meetings. However, Councilmembers can respond to communications of a personal nature during a recess or if they excuse themselves from the proceedings in a non-disruptive fashion. A copy of the Mountain View provision is included in the agenda packet.

Fiscal Impact: None.

Recommendation: Consider an amendment to the City Council Handbook to limit the use of electronic devices from the dais and instruct the City Attorney to bring back a resolution for final Council approval.

Library Advisory Commission

- * 5. **Accept Recommendations to Allow a Mural Inside the Milpitas Public Library (Staff Contact: Sheldon AhSing, 586-3278)**

Background: Melissa Nievera, representing the Filipino Memorial Project, is interested in creating a mural for the Milpitas Library on the second floor Teen Homework Center area. This mural would highlight the leadership of Filipino farm workers in the 1965 Delano Grape Strike. The applicant would like the mural to be a memorial to their dedication and legacy. More information is available in the material in the Council agenda packets.

The proposal was presented to the Public Art Committee on May 23, 2011 and to the Library Advisory Commission on September 19, 2011 and received recommendations supporting the proposal. On January 26, 2012, the proposal was presented before the Santa Clara County Library Joint Powers Authority Board and received acceptance of the mural.

Fiscal Impact: None.

Recommendation: Accept recommendations of the Milpitas Public Art Committee, the Milpitas Library Advisory Commission and the Board of the Santa Clara County Library Joint Powers Authority and move to authorize an artistic mural inside the Milpitas Public Library.

- * 6. **Accept a Donation to the Milpitas Public Library and Approve the Spending Plan from the Library Advisory Commission (Staff Contact: Sheldon Ah Sing, 586-3278)**

Background: In March 2012, Community Librarian Linda Arbaugh received a donation from David Hufton in the amount of \$5,000 to the Milpitas Public Library. Librarian Arbaugh has accepted the donation on behalf of the Library Advisory Commission (LAC) and forwarded the matter for acceptance of the donation and a proposed spending plan to the entire LAC.

At its meeting on May 21, 2012, the LAC accepted the donation, approved the spending plan and directed staff to forward its recommendation to the City Council. Included in the Council's agenda packet are a copy of the LAC meeting minutes and the proposed spending plan for upholstery expenses. Upon acceptance by the Council, Mr. Hufton will be recognized by the LAC on the donor board at the Milpitas Public Library.

Fiscal Impact: None.

Recommendation: Accept the donation gift of \$5,000 to the Milpitas Public Library from David Hufton and approve the spending plan toward costs for upholstery, as recommended by the Library Advisory Commission.

XVI. NEW BUSINESS

7. **Receive a Progress Report on the Bay Area Rapid Transit (BART) Silicon Valley Berryessa Extension Project (Staff Contact: Kathleen Phalen, 586-3354)**

Background: The Santa Clara Valley Transportation Authority (VTA) is building a 10-mile extension of the BART system from the Warm Springs Station in Fremont, through the Milpitas station to the Berryessa Station in San Jose. The project consists of several concurrent contracts to relocate municipal utilities, make flood improvements, construct the rail extension, and build the station campuses. VTA's Program Chief Officer will provide an update on the major activities currently underway with the BART extension project, which include the following:

- Contract C610 for Piper Drive Advance Utility Relocation – Under a \$2.2 million VTA contract, Con-Quest Contractors is relocating the City's water, sewer, and a portion of storm

drain utilities, as well as the Santa Clara Valley Water District's 42-inch transmission water line. Construction started in January and should run through July 2012.

- Contract C700 for 10-mile rail extension – On December 8, VTA awarded a \$772 million design-build contract to the joint venture, Skanska-Shimmick-Herzog, for design and construction of the line, track, stations, and systems of the SVBX Project. VTA submitted the first 35% design packages for Dixon Landing Road and Track Guideway for review in May and advanced utility relocation should start in July.
- Contract C720 for Milpitas Station – On March 1, VTA awarded a \$6.5 million design contract for the BART station parking structures and station campuses to WHM Corporation. VTA plans to complete this design and award the construction contract in 2014.
- Contract C222 for Kato Road Grade Separation – Under agreement with the City, VTA is adding a new northbound left-turn lane on Milpitas Boulevard at Dixon Landing Road, improving median islands, pavement marking, and adding a traffic signal pole and vehicle detection equipment. VTA closed Kato Road on April 30 and detoured traffic to Dixon Landing Road for the next 8 months to allow its contractor to trench Kato Road under the Union Pacific Railroad tracks, site of the future BART alignment.
- Residential Noise Insulation Program – VTA identified 58 Milpitas residences that may be eligible for new acoustical windows, doors, and other improvements at no cost to the home owners to mitigate noise impacts from BART. The actual number of retrofitted homes will likely be much lower, based on results of the noise study.

VTA Project Outreach staff will also host two public meetings at the Milpitas Public Library on Tuesday, June 26, at 4:30 and 6:30 pm. These meetings will also provide the community a project update, along with information on current and near-term construction.

Fiscal Impact: None.

Recommendation: Receive a progress report on the Bay Area Rapid Transit (BART) Silicon Valley Berryessa Extension project.

* **8. Accept a Homeland Security Grant Program Funds for Specialized Firefighter Rescue Training (Staff Contract: Rick Frawley, 586-2820)**

Background: The Fire Department submitted a State Homeland Security Grant Program application in June 2012 requesting funding for specialized firefighter rescue training. The State Homeland Security Grant Program awarded the grant in June 2012. The State Homeland Security Grant Program provides funding directly to local government agencies to enhance operational response capabilities and interoperability.

Specialized Rescue Training

Tuition and personnel costs for three firefighters to attend specialized rescue training: \$24,284

Tuition Rescue Systems 1	\$892
Tuition Rescue Systems 2	\$892
Tuition Confined Space	NA
Salary and Shift Backfill RS1	\$7,500
Salary and Shift Backfill RS2	\$7,500
Salary and Shift Backfill CS	\$7,500

The training funds through this SHSGP program will provide three firefighters training in California State Fire Marshal certified courses to include Rescue System 1: Basic Rescue Practices, Rescue Systems 2: Advanced Rescue Practices, and Confined Space Operations. These classes are focused on improving field operations during rescue scenarios such as victims entrapped in a building collapse and confined spaces areas. This training will enhance operational capabilities within the fire department.

Fiscal Impact: The 2010 State Homeland Security Grant Program is a 100% grant with a total project cost of \$49,005 with no funding match by the local agency. The FY 2012 SHSGP will be the last grant cycle to cover tuition, overtime, and backfill.

Recommendation: move to accept the grant from the State Homeland Security Grant Program and appropriate funding totaling \$49,005 through SHSGP to facilitate firefighter training, noting it is cost neutral to the city.

* **9. Receive a Report from the Acting Public Works Director on Emergency a Contract Work Order for Replacement of Glass Headers at City Hall Exit Doors, Project No. 3406 (Staff Contact: Kathleen Phalen, 586-3345)**

Background: Construction of the City Hall building was completed in 2002. It includes east and west entries to the lobby that are faced with floating tempered structural glass panels. Over the last ten years, the glass panels have settled and soils beneath the building have heaved, causing the entry doors to bind against their header. As this settlement occurs, staff has been incrementally adjusting and aligning the doors to keep them operable. However, several of the east-facing doors have reached the maximum extent of their adjustments, and replacement of glass panels and door parts will be required to address further movement of the structure. For safety reasons, staff has blocked and locked these doors and posted “Out of Order” signage.

Forcing these doors to open or closed against the header is a safety hazard, due to the propensity of tempered glass to shatter under stress, and because the header could become dislodged and fall. The Building and Fire Safety Code regulations require that exits to the building cannot be permanently blocked as they are vital to the public and employee safety in case of an emergency. Prompt repair of these doors and their headers is required to eliminate the hazards and bring the building into compliance. Therefore, the Acting Public Works Director authorized an emergency contract to complete the required repair and replacement work as soon as possible.

City staff contacted the Royal Glass Company, the contractor who installed the doors and structural glass panels, who has the intimate knowledge of the systems. Costs were negotiated with the contractor, which are estimated not to exceed \$20,000. The lead time for parts is approximately seven weeks, and the actual repair and replacement work will take an additional week. Funding for these repairs will be from the City Facilities Improvements, Project No. 3406, which has sufficient funds to cover this repair cost.

This emergency contract work is authorized by the Public Code Sections 20168 and 22050 (b)(1), which authorizes the Public Works Director to order emergency contract work and to let contracts without soliciting bids, and requires the Director to make routine report on the status of the work to the City Council.

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

Recommendation: Receive a report from the Acting Public Works Director on the emergency contract work order for replacement of the glass headers at City Hall exit doors, Project No. 3406.

XVII. RESOLUTIONS

- * 10. **Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for the Department of Energy Grant Program, Project No. 5094 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Council awarded the Department of Energy Grant Program to Amland Corporation on March 20, 2012. The project provides for the replacement of nine existing parking lot lights at the Milpitas Sports Center parking lot with new LED lights. The project was successfully completed on time and under budget, 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 \$1,644.00, which is 10% of the final contract value.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Department of Energy Grant Program, Project No. 5094, subject to a one-year warranty period and reducing the faithful performance bond to \$1,644.00.

- * 11. **Adopt a Resolution Annexing Certain Real Property into Community Facilities District No. 2005-1, Authorize Execution of a Subdivision Improvement Agreement and Related Infrastructure Documents, and Approve Final Map (Tract No. 10029) and Plans for Sinclair Renaissance, Project No. 3211 (Staff Contact: Fernando Bravo, 586-3328)**

Background: On August 5, 2008, the City Council approved the Tentative Map, Planned Unit Development and Site Development Permit for Sinclair Renaissance Project which will construct 80 single-family units located off the 300 block of Sinclair Frontage Road. The development has on-site private streets and related private utilities (sanitary sewer, storm drain, lighting, etc.) and on-site public water system. The public improvements plans are for the water system, City utility connections and sidewalk frontage improvements at Sinclair Frontage Road and Wrigley Way.

The developer has petitioned the City to annex the Sinclair Renaissance Project properties into Community Facilities District No. 2005-1 (CFD 2005-1). State law and Resolution No. 7521 (adopted May 17, 2005) authorized the City to complete such annexation upon the property owner's written unanimous consent without further public hearing or formal election. Annexation into CFD 2005-1 will subject the properties to a special tax to pay for certain City services. The written consent and other legally required documents are attached to the resolution included in the Council agenda packet.

The developer also submitted the final map and public improvement plans and executed the subdivision improvement agreement and related agreements (storm water management facilities operation and maintenance agreement, on-site private utilities covenant agreement, and right of way encroachment permit agreement) for the project. The public improvements plans and final map are available for review in the office of the City Engineer. Staff reviewed these documents and finds they satisfy the City's requirements for this project.

On February 14, 2012, the Rules Subcommittee reviewed the street names and on February 21, 2012, the City Council approved the suggested street names for the project. The private street names are Gerald Way, Gerald Circle, Gomes Lane and Cardoza Lane.

Fiscal Impact: None.

Recommendations:

1. Adopt a resolution annexing properties known as Sinclair Renaissance into the Community Facility District 2005-1.
2. Approve and authorize the execution of a subdivision improvement agreement, storm water management facilities operation and maintenance agreement, on-site private utilities covenant agreement, and right-of-way encroachment permit agreement.

3. Approve the final map (Tract 10029) with the approved street names and public improvement plans.

12. Consider the Santa Clara Valley Water District's Request to Adopt a Resolution Supporting the Clean Water and Natural Flood Protection Plan and Supporting the Water District's Placement of the Plan and Special Tax on the November 6, 2012 Ballot (Staff Contact: Kathleen Phalen, 586-3345)

Background: The Santa Clara Valley Water District is asking the cities of Santa Clara County to adopt a resolution supporting its "Clean Water and Natural Flood Protection Plan." This plan is an extension of the District's "Clean, Safe Creeks and Natural Flood Protection Plan" that served as the basis for a special parcel tax approved by voters in 2000. The current parcel tax expires in 2016, so the District is seeking local support for a measure on the November 2012 ballot to extend this tax an additional fifteen years. Two-thirds voter approval will be needed to pass the new tax assessment. The proposed assessment rate would likely continue the current assessment rate with inflation adjustments which started at \$39 per residential parcel in 2000 and is now at \$52 per parcel.

The District currently receives about \$35 million in revenue from the parcel tax and uses these proceeds to fund projects that improve drinking water quality, protect sources of water supply and local dams from earthquakes and natural disasters, restore wildlife habitats, and provide flood protection. Milpitas has benefitted through the District's funding for the Berryessa Creek Trail (Abel to Town Center) and Coyote Creek Trail (Dixon Landing Road to Ranch Road.)

In June 2009, the Santa Clara County Grand Jury issued a report on the District's 2000 special parcel tax stating that the public had been misled about the purpose of the special tax, the public was not informed about significant campaign contributions that would likely have caused the measure to fail until after the election, and the special parcel tax added \$32 million in new property taxes in FY 2008-09, a 50% increase over existing property taxes. The District responded that it created an Independent Review Committee to oversee the program. This committee issues annual reports describing the District's successful implementation of the program. The most recent report, issued in January 2012, indicates that all locally funded projects are expected to be completed, but projects relying on state and federal funding such as the Upper Berryessa flood protection project are at risk of not being completed by 2016.

Fiscal Impact: None.

Recommendation: Consider the Santa Clara Valley Water District's request to adopt a resolution supporting the District's Clean Water and Natural Flood Protection Plan and the District's placement of the plan and special tax on the November 6, 2012 ballot.

XX. BIDS AND CONTRACTS

- * 13. **Authorize the City Manager to Execute Amendment No. 2 to Contract with CalRecovery, Inc. for Solid Waste Consulting Services (Staff Contact: Marilyn Nickel, 586-3345)**

Background: The City has an on-call contract with CalRecovery to provide consulting services to assist on odor issues and other solid waste related matters. Staff received the final Environmental Impact Report for the Newby Island landfill expansion and requires expert review support. Staff recommends increasing the contract amount by \$4,000 for a total contract value not to exceed \$29,000 and exercise the first 12-months extension with expiration date June 30, 2013.

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

Recommendation: Authorize the City Manager to execute Amendment No. 2 to the contract with CalRecovery Inc. for solid waste consulting services for an amount not to exceed \$4,000.

- * 14. **Authorize the City Manager to Award a Construction Contract for Fire Station Improvements (Fire Station No. 1 Exterior Upgrades), Project No. 3403 (Staff Contact: Steve Erickson, 586-3301)**

Background: On April 15, 2012, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Fire Station No.1 Exterior Upgrades, Project No. 3403. The project provides for patching and repainting of the building exterior, metal fencing and gates, and the above ground fuel tanks. Bids are scheduled to be opened in July 2012 during the Council's July recess. In order to proceed with the award of the project, and promptly commence with construction, staff recommends that the City Council authorize the City Manager to award the construction contract to the lowest responsible bidder after bid opening, if the bid is no higher than 10% above the Engineer's estimate, as determined at the time prior to bid opening.

As was approved for the successful completion of the new Senior Center, Public Library, Parking Garage and other recent City projects with tight completion schedules, staff is requesting the use of the same change order policy to allow for the timely completion of this project. This policy authorizes staff to execute change orders in order to address the need to respond swiftly to construction conditions so as to limit potential claims or risk to the City. The construction contingency established for this project is \$25,000, and the change order authority would not exceed this amount, and would not require additional appropriation.

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

Recommendations:

1. Authorize the City Manager to award a construction contract for Fire Station Improvements, Project No. 3403.
2. Authorize staff to execute change orders for Fire Station Improvements, provided that the change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

- * 15. **Authorize the City Manager to Award and Execute a Construction Contract with O'Grady Paving, Inc. for Street Resurfacing Project 2013, Project No. 4268 (Staff Contact: Steve Chan, 586-3324)**

Background: On May 15, 2012, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Street Resurfacing Project 2013. The project provides for the repair of base failures, removal and replacement of failed asphalt concrete pavement, miscellaneous concrete work, placing asphalt rubber cape seal, slurry seal, and new roadway marking treatments on City streets. The project Plan Title Sheet showing the streets for improvement is included in the agenda packet. The Engineer's Estimate for the base bid project work was \$1,000,000.

The project was advertised and five sealed bid proposals were received on June 8, 2012. Responsive bid proposals ranged from \$890,385.00 to \$1,037,438.50, and the lowest responsible base bid was submitted by O'Grady Paving, Inc. in the amount of \$890,385.

American Asphalt Repair and Resurfacing Company, Inc. submitted a bid containing a typographical error and made a timely request to withdraw its bid. Withdrawal of bids under such circumstances are allowed by California law.

Sufficient funds to award this project will be available on July 1, 2012, so staff recommends the Council authorize the City Manager to award and execute a construction contract to the lowest responsible bidder for the project during the month of July (when Council is in recess).

As was approved for the successful completion of recent projects with tight completion schedules, staff requests the use of the same change order policy to allow for the timely completion of this project. This policy authorizes staff to execute change orders in order to address the need to respond swiftly to construction conditions so as to limit potential claims or risk to the City. The construction contingency established for this project is \$100,000, which is 10% of the estimated construction cost.

Fiscal Impact: None. Sufficient funds will be available in the FY 2012-13 project budgets on July 1, 2012.

Recommendations:

1. Authorize the withdrawal of bid by American Asphalt Repair and Resurfacing Company, Inc. on mistake grounds under Public Contract Code Sections 5101 and 5103.
2. Authorize the City Manager to award and execute a construction contract to O'Grady Paving, Inc. for the Street Resurfacing Project 2013, Project No. 4268 in the amount of \$890,385.
3. Authorize staff to execute change orders for Street Resurfacing Project 2013, Project No. 4268, provided that change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

*** 16. Authorize the City Manager to Award a Construction Contract for Park Renovation Project 2011 "Pathways" for Pinewood and Albert Augustine Jr. Memorial Parks, Project No. 5091 (Staff Contact: Steve Erickson, 586-3301)**

Background: On May 1, 2012, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Park Renovation Project 2011 "Pathways" for Pinewood and Albert Augustine Jr. Memorial Park. The project provides for repairs to pathways at Albert Augustine Jr. Memorial Park and Pinewood Park. The installation of new American with Disabilities Act-compliant curb ramps connecting the pathways to City sidewalks is also included. Bids are scheduled to be opened in July, 2012 during the Council's July recess. In order to proceed with the award of the project, and promptly commence with construction to meet the schedule for the CDBG grant funding authorized for this project, staff recommends the City Council authorize the City Manager to award the construction contract to the lowest responsible bidder after bid opening, if the bid is no higher than 10% above the Engineer's estimate, as determined prior to bid opening.

As was approved for the successful completion of the new Senior Center, Public Library, Parking Garage and other recent City projects with tight completion and grant funding schedules, staff is requesting approval of the same change order policy to allow for the timely completion of this project. This policy authorizes staff to execute change orders in order to respond swiftly to construction conditions so as to limit potential claims or risk to the City. The construction contingency established for this project is \$30,000, and the change order authority would not exceed this amount, and would not require additional appropriation.

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

Recommendations:

1. Authorize the City Manager to award construction contract for Park Renovation Project 2011 "Pathways" for Pinewood and Albert Augustine Jr. Memorial Parks, Project No. 5091.
2. Authorize staff to execute change orders for Park Renovation Project 2011 "Pathways" provided that the change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

- * 17. **Approve a Budget Appropriation for Abel Street Transit Connection, Project No. 4260 (Staff Contact: Steve Erickson, 586-3301)**

Background: On April 5, 2011, the City Council approved the Abel Street Transit Connection project and it provides for new curb, gutter, sidewalk, a raised median island, street lights, landscape, irrigation, and minor utility improvements along South Abel Street between Great Mall Parkway and West Capitol Avenue. The City of Milpitas applied for a Community Design for Transportation (CDT) grant in the amount of \$712,000 for the project. On April 4, 2012, the City was awarded the (CDT) grant in the amount of \$788,000, and the additional \$76,000 in grant monies awarded now need to be appropriated into the project. Staff also recommends approval of an additional appropriation in the amount of \$18,500 from the Water Fund to cover costs of non-grant participating water system improvements that are include within this project.

Fiscal Impact: A budget appropriation in the amount of \$76,000 from the CDT grant program and \$18,500 from the Water Fund to the project is required.

Recommendations: Approve a budget appropriation of \$76,000 from the Community Design for Transportation grant program and \$18,500 from the Water Fund to the Abel Street Transit Connection, Project No. 4260.

- * 18. **Approve and Authorize the City Manager to Execute an Agreement with JDH Corrosion Consultants for Water System Replacement (Cathodic Protection Improvements), Project No. 7109 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Water System Replacement (Cathodic Protection Improvements), Project No. 7109, is included in the approved Capital Improvement Program. Cathodic protection systems are installed on the City's buried metal pipelines to help protect the pipes from corrosion through use of replaceable sacrificial anodes connected to the pipelines. The work under this project includes an evaluation of the condition of the City's existing cathodic protection system to determine how well it is operating and if replacement of the sacrificial systems is required, and to recommend where upgrade, retrofit, or repairs to deficient segments are needed. The consultant will review the City's standard construction details for cathodic protection systems that were created in the 1960s and make recommendations for improvement. Through the City's consultant selection process, JDH Corrosion Consultants, Inc. was selected to provide the design services for the Cathodic Protection Improvements project. Staff negotiated a scope and fee for these services not to exceed \$75,000, which is considered reasonable for the work.

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

Recommendation: Approve and authorize the City Manager to execute an agreement with JDH Corrosion Consultants, Inc. in the amount of \$75,000 for Project No. 7109.

- * 19. **Approve and Authorize the City Manager to Execute an Agreement with Advance Design Consultants for Water System Improvements for Country Club and Tularcitos Pump Station Electrical Upgrades, Project No. 7100 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Water System Improvements, Project No. 7100, is included in the approved Capital Improvement Program, and provides for various water system improvements and upgrades to the City's "backbone" water system as defined in the Water System Seismic Improvement Strategic Plan. Work included in this phase of the project involves evaluating the needs of the County Club and Tularcitos water system pump stations to determine the size and type of backup generator and related electrical improvements required to power the stations during an emergency, and to develop the plans and specifications for construction. Through the City's consultant selection process, Advance Design Consultants has been selected to provide the design services for this project. Staff negotiated a scope and fee for these services not to exceed \$40,000, which is considered reasonable for the work.

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

Recommendation: Approve and authorize the City Manager to execute an agreement with Advance Design Consultants in the amount of \$40,000 for Project No. 7100.

- * 20. **Approve Renewal of Excess Workers' Compensation Insurance Contracted via Brown & Brown of California (Staff Contact: Carmen Valdez, 586-3086)**

Background: The City of Milpitas carries excess workers' compensation insurance in accordance with state law. The City's insurance broker, Brown & Brown of California, was able to retain coverage through Safety National Casualty Corporation for Fiscal Year 2012-13. In the last Fiscal Year 2011-12, the cost of the excess workers' compensation was \$109,976. This year the City was quoted an overall rate increase of approximately 9%. The City's self-insured retention is \$1,000,000 for safety employees and \$750,000 for miscellaneous employees. The renewal premium for Fiscal Year 2012-13 is \$113,631 and is based on the City's payroll.

Fiscal Impact: None. There are sufficient funds allocated in the Human Resources Department FY 2012-13 budget.

Recommendation: Authorize the City Manager to pay Brown & Brown of California the premium rate of \$113,631, and authorize and approve Safety National Casualty Corporation to provide for the City's excess workers' compensation insurance for FY 2012-13.

- * 21. **Approve Second Amendment to Contract with Jarvis, Fay, Doporto & Gibson for Attorney Services Relative to Odor Control Issues (Staff Contact: Michael Ogaz, 586-3040)**

Background: In 2009, the City was notified that operators of the Newby Island landfill were seeking Zoning Code amendments and other land use approvals, including certification of an Environmental Impact Report. The operator's plan is to increase the height of the landfill and authorize other activities at the landfill. Staff questions the analysis for the Environmental Impact Report, especially regarding treatment of odor issues, and has pointed out shortcomings in the approval process. This amendment to the contract is to provide expert analysis and representation regarding options available to the City.

Fiscal Impact: None. Funding is available in the City Manager's contingency reserve.

Recommendation: Approve the second Amendment to the contract with the Jarvis, Fay, Doporto & Gibson firm for attorney services and increase the contract amount by \$90,000.

- * 22. **Authorize the City Manager to Execute an Acquisition Agreement with D.R. Horton for Offsite Sewer 11A and a Portion of 11B Improvements, Project No. 2709 (Staff Contact: Fernando Bravo, 586-3328)**

Background: On November 15, 2011, the City Council adopted Resolution No. 8138 approving the Tentative Map, Site Development Permit, and Conditional Use Permit for D.R. Horton, Harmony Project. This project entails the phased construction of 276 single family dwelling units at the north side of the intersection of Montague Expressway and McCandless Drive. The approved conditions of development for the project require the developer to construct Sewer Segment 11A and a portion of Sewer Segment 11B, as specified in the City's 2009 Sewer Master Plan and Transit Area Specific Plan. These sewer lines must be constructed prior to issuance of a certificate of occupancy for the units at this project.

The improvement plans for Sewer 11A and a portion of 11B have been prepared by the developer of the Integral Project. The scope of work includes constructing a new 27-inch sewer pipe along South Main Street from Curtis Avenue to just south of Great Mall Parkway, jacking and boring

under the Union Pacific Railroad line, and constructing an 18-inch sewer pipe along Great Mall Parkway to 250 feet east of McCandless Drive Intersection. A copy of these plans is available in the office of the City Engineer. The Engineer's estimated cost of construction is \$1,650,000.

Offsite Sewer 11A and Portion of 11B Improvement Plans, designed by Ruggeri, Jensen & Azar, Inc. were reviewed by staff, and now recommend City Council approval.

Fiscal Impact: None. All costs associated with this acquisition will be covered via various fee credits, in accordance with the Transit Area Developer Impact Fee Financing Plan.

Recommendations:

1. Authorize the City Manager to negotiate and execute an acquisition improvement agreement or similar instrument with D.R. Horton for Sanitary Sewer Project 11A and a portion of Project 11B.
 2. Approve Improvement Plan No. 2-1153 for Offsite Sewer 11A and Portion of 11B.
- * 23. **Authorize the City Manager to Execute a Master Agreement with the County of Santa Clara for the Senior Nutrition Program, and Contract Documents for the Provision of Meal Services by Compass Group USA, Inc. and New Orient Restaurant (Staff Contact: Aaron Bueno, 586-3226)**

Background: The City of Milpitas has contracted with the County of Santa Clara to help implement the Senior Nutrition Program since March 1978. This program serves seniors, age 60 years and older, 249 days per year, an average of 96 meals per day, for a total of 23,904 meals per year. The total budget for the FY 2012-13 Nutrition Program is \$164,407. Under the proposed Fiscal Year 2012-13 Master Agreement for the Senior Nutrition Program, the City of Milpitas and the County of Santa Clara would equally share the cost of the program, which would amount to a burden of \$82,204 each (after reimbursements), as outlined in the County's contract. Per the Master Agreement, the City would initially pay all costs and the County would reimburse the City its 50% cost share after the receipt of invoices and other documentation. The City contracts with outside catering services for the provision of meals in the Senior Nutrition Program, but directly provides related program administration services.

Compass Group USA, Inc., doing business as Bateman, has catered the Senior Center Nutrition Program since July 1, 1998. Bateman provides hot meals in addition to salads and sandwiches five days a week at the Senior Center. In Fiscal Year 2012-13, Bateman will provide 15,478 meals at a cost of \$4.51 each, which will not exceed the approved budget amount of \$69,883 for FY 2012-13.

The City of Milpitas also contracts with New Orient Restaurant since July 1, 2004 for Asian style meals twice each week for seniors. In Fiscal Year 2012-13, New Orient will provide 8,330 meals at a cost of \$4.84 per meal, which will not exceed the approved budget amount of \$40,317 for Fiscal Year 2012-13 services.

Fiscal Impact: None. Sufficient funds have been budgeted in the Recreation Services Department FY 2012-13 operating budget.

Recommendations:

1. Authorize City Manager to execute a Master Agreement with the County of Santa Clara for the Senior Nutrition Program.
2. Authorize City Manager to execute a contract amendment with Compass Group USA, dba Bateman, in the amount of \$69,883.
3. Authorize City Manager to execute a contract amendment with New Orient Restaurant in the amount of \$40,317.

- * 24. **Award the Bid for Exercise Equipment Preventative Maintenance Service and Repair, and Authorize the City Manager to Execute a Contract with Gym Doctors for the Annual Not-to-Exceed Amount of \$9,600, and Authorize the City Manager to Grant Yearly Increases Pursuant to the Contract (Staff Contact: Chris Schroeder, 586-3161)**

Background: City of Milpitas Purchasing and Recreation Services staff together developed a specification for Exercise Equipment Preventative Maintenance Service and Repair. The invitation for bids was released on May 4, 2012. The bid was advertised in the local newspaper, on the City website and on Public Purchase. Three bidders responded and here are the results.

Bidder	Base Bid
Gym Doctors	\$2,250.00
Fitguard Inc.	\$3,315.00
Gym Precision	\$3,780.00

The contract covers routine maintenance on the equipment at the Sports Center and the Senior Center and repairs. The amount of repairs is highly variable; consequently staff added a contingency of \$7,350 for a total annual contract value of \$9,600. The contract is for one year with an option for four one year extensions bringing the total value of the contract to \$48,000. Renewal years contain a compensation adjustment clause based on past performance and proof of the prior four quarters of industry price change or 5% whichever is less.

Fiscal Impact: None. This is a programmed expense in the Recreation Services operating budget for FY 2012-13.

Recommendations:

1. Award the bid for Exercise Equipment Preventative Maintenance Service and Repair to Gym Doctors for the annual not-to-exceed amount of \$9,600.
2. Authorize the City Manager to grant yearly increases pursuant to the contract without further Council action.

- * 25. **Award the Bid for Tee Shirts for the Summer Camp Programs, and Authorize the City Manager to Execute a Contract with Alpine Awards, Inc. for the Annual Not-to-Exceed Amount of \$8,800 (Staff Contact: Chris Schroeder, 586-3161)**

Background: Purchasing worked with Recreation Services staff to develop a specification for tee shirts provided to participants of the summer camp programs. The invitation for bids was released on March 16, 2012. The bid was advertised in the local newspaper, on the City website and on Public Purchase. Ten bidders responded and the results are listed here:

Bidder	Cost
U.S. Uniforms	\$23,913.20
Athletics Unlimited	\$12,220.31
Cotton Canvas TX	DISQUALIFIED
Alpine Awards, Inc.	<u>\$8,776.91</u>
All-Line Uniforms	\$12,014.37
Brown & Bigelow, Inc.	DISQUALIFIED
Everprint Graphics	\$26,412.77
Gogo Sports	\$15,583.39
Prolific Screen Printing	\$12,060.02
Bay Area Designz, Inc.	\$10,890.28

Two companies were disqualified due to failure to submit required supporting documentation. The low bid price from Alpine Awards, Inc. included a 2% discount for award of all items. The contract is for one year, with an option for two one-year extensions, bringing the total value of the contract to \$26,400.

Fiscal Impact: None. This is a programmed expense in the Recreation Services operating budget for FY 2012-13.

Recommendation: Award the bid for tee shirts for the Summer Camp Programs and authorize the City Manager to execute a contract with Alpine Awards, Inc. for the annual not-to-exceed amount of \$8,800.

- * 26. **Approve a Contract with Barry Poole for the Annual Not-to-Exceed Amount of \$45,000 (Staff Contact: Chris Schroeder, 586-3161)**

Background: Staff recommends City Council approve a contract between the City of Milpitas and Barry Poole, who has been the preferred contractor for providing tennis classes offered by the Recreation Services for the last ten years. Mr. Poole will provide certified personnel, instruction and supplies for the program. Council is requested to approve and authorize a contract in an amount not-to-exceed \$45,000 with a term of one year.

Fiscal Impact: Funds are available in the Recreation Services FY 2012-13 operating budget for these services.

Recommendation: Approve a contract with tennis instructor Barry Poole for the annual not-to-exceed amount of \$45,000.

- * 27. **Approve a Contract with Communication Academy for the Annual Not-to-Exceed Amount of \$30,000 (Staff Contact: Chris Schroeder, 586-3161)**

Background: Staff recommends City Council approve a contract between the City of Milpitas and Communication Academy, which is the preferred vendor for providing educational writing, speaking, and math classes offered by the Recreation Services for the last eight years. The company will provide personnel, instruction, and supplies for the program. Council is requested to approve and authorize a contract in an amount not-to-exceed \$30,000 with a term of one year. Funds were approved by the City Council during the FY 2012-13 budget hearing and are available in the Recreation Services operating budget for the purchase of these services.

Fiscal Impact: Funds are available in the Recreation Services FY 2012-13 operating budget for these services.

Recommendation: Approve a contract with Communication Academy for various classes offered by Recreation Services for the annual not-to-exceed amount of \$30,000.

- * 28. **Approve a Contract with Jensen Performing Arts for the Annual Not-to-Exceed Amount of \$25,000 (Staff Contact: Chris Schroeder, 586-3161)**

Background: Staff recommends City Council approve a contract between the City of Milpitas and Jensen Performing Arts, which is the preferred vendor for providing youth ballet, tap, floor gym, tumbling, hip hop and ballroom dance offered by Recreation Services for the last twelve years. Jensen will provide certified personnel, instruction, and supplies for the program. Council is requested to approve and authorize a contract in an amount not-to-exceed \$25,000 with a term of one year.

Fiscal Impact: Funds are available in the Recreation Services FY 2012-13 operating budget for these services.

Recommendation: Approve a contract with Jensen Performing Arts for dance classes for the annual not-to-exceed amount of \$25,000.

- * 29. **Approve a Contract with Noteworthy Music for the Annual Not-to-Exceed Amount of \$35,000 (Staff Contact: Chris Schroeder, 586-3161)**

Background: Staff recommends City Council approve a contract between the City of Milpitas and Noteworthy Music, which is the preferred vendor for providing lessons for keyboards, guitar, semi-private lessons, vocals, and anime drawing offered by Recreation Services for the last sixteen years. Noteworthy will provide specially trained personnel, instruction, and supplies for the program. Approval is requested to authorize a contract in an amount not-to-exceed \$35,000. The term of the contract is for one year.

Fiscal Impact: Funds are available in the Recreation Services FY 2012-13 operating budget for these services.

Recommendation: Approve a contract with Noteworthy Music for music lessons for the annual not-to-exceed amount of \$35,000.

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, AUGUST 7, 2012 AT 7:00 P.M.**

NO COUNCIL MEETINGS IN JULY