



**MILPITAS CITY COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 18, 2012**

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

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING
Pursuant to California Government Code §54957.6, City Negotiator: Carmen Valdez
Employee Groups: Milpitas Employees Association (MEA), Mid-Management/Confidential (UPEC),
Milpitas Professional and Technical Group (ProTech), Milpitas Police Officers Association (MPOA),
International Association of Fire Fighters (IAFF)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions

CONFERENCE WITH LEGAL COUNSEL
Pursuant to California Government Code §54856.9(c)
Anticipated Litigation: City as Plaintiff
- 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 (Mayor Esteves)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – September 4, 2012**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS for September and October 2012**
- VIII. PRESENTATIONS**
 - Proclaim “Family Day” on September 24, 2012
 - Proclaim September 2012 as “Library Card Sign-Up Month”
- 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 HEARING

- 1. Hold a Public Hearing and Adopt the FY 2011-12 Consolidated Annual Performance Evaluation Report (CAPER) for Community Development Block Grant funds (Staff Contacts: Felix Reliford, 586-3071 and Gloria Anaya, 586-3075)**

XV. REPORT OF OFFICER

- * 2. Consider Mayor's Recommendations for Appointments to Three Milpitas Commissions (Contact: Mayor Esteves, 586-3029)**

XVI. NEW BUSINESS

- 3. Consider participation in Sierra Club sponsored "Cool Cities" Climate Protection Initiative (Staff Contact: Tom Williams, 586-3050)**
- * 4. Consider Request for Waiver of City Fees from Two Local Churches (Staff Contact: Tiffany Brown, 586-3283)**

XVII. RESOLUTIONS

- * 5. Adopt a Resolution Amending List of Designated Full Disclosure Positions for the City of Milpitas' Conflict of Interest Code (Staff Contact: Mary Lavelle, 586-3001)**
- * 6. Adopt a Resolution Granting Final Acceptance of the Escuela Parkway Soundwall Renovation, Project No. 4267 (Staff Contact: Steve Erickson, 586-3301)**
- * 7. Adopt a Resolution Approving the Site Development Permit Amendment for the Chu Residence Located at 867 Calaveras Ridge Drive (Staff Contact: Cindy Hom, 586-3284)**
- * 8. Adopt a Resolution Authorizing the City Manager to Award Request for Proposal 2026 for Delivery and Installation of a New Telephone System to ExtraTeam, Inc., and to Enter into an Agreement and Amend Existing Related Agreements with Communication Strategies and Key Government Finance (Staff Contact: Matthias Schwarz, 586-2711)**
- * 9. Adopt a Resolution Amending the City of Milpitas Classification Plan Regarding the Planning Director (Staff Contact: Carmen Valdez, 586-3086)**

XVIII. CONTRACTS

- * 10. Authorize the City Manager to Execute Amendment No. 4 to the Master Agreement with the Santa Clara Valley Transportation Authority (VTA) Relating to the Silicon Valley Rapid Transit Program Berryessa Extension Project (GT-1063) and Approve a Budget Appropriation (Staff Contact: Kathleen Phalen, 586-3345)**

- * 11. **Approve and Authorize the City Manager to Execute Agreement Amendment No. 1 with Harris & Associates and Approve a Budget Appropriation (Staff Contact: Keyvan Irannejad, 586-3244)**
- * 12. **Approve and Authorize the City Manager to Execute an Agreement with SCS Engineers for Various Capital Improvement Program Projects (Staff Contact: Steve Erickson, 586-3301)**
- * 13. **Approve a Layout Design Plan and a Maintenance Agreement for a New City Park at Great Mall Parkway and South Abel Street (Staff Contact: Tiffany Brown, 586-3283)**

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, OCTOBER 2, 2012 AT 7:00 P.M.**

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, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist on the:

*Public Art Committee (Alliance for the Arts member)
Economic Development Commission (hotel representative & retail representative)
Parks, Recreation and Cultural Resources Commission
Sister Cities Commission*

Commission application forms 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 (408) 586-3001 or send an e-mail 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.

AGENDA REPORTS

XIV. PUBLIC HEARING

1. **Hold a Public Hearing and Adopt the FY 2011-12 Consolidated Annual Performance Evaluation Report (CAPER) for Community Development Block Grant funds (Staff Contacts: Felix Reliford, 586-3071 and Gloria Anaya, 586-3075)**

Background: The Consolidated Annual Performance Evaluation Report (CAPER) describes the City's one-year CDBG Programs and Activities undertaken during the past CDBG program year, 2011-12. The CAPER also evaluates the City's overall progress in carrying out those priority projects that were identified in the approved Five-Year Consolidated Plan and One-Year Action Plan. On August 16, 2012, staff received a letter from the federal Department of Housing and Urban Development (HUD) approving the Five Year Consolidated Plan (2012-2017) which identifies the goals, objectives, policies and financial resources regarding CDBG funding over the next five years.

The CAPER report identifies the following major accomplishments in 2011-2012:

- Use of CDBG funds to replace kitchen cabinets, countertops and fixtures at Terrace Gardens for 30 senior units
- Use of CDBG funds to investigate 83 cases involving housing discrimination and tenant-landlord mediation
- Provided safety, energy efficiency, accessibility and mobility repairs and improvements to 18 homeowners
- Provided monthly and weekly supplemental food stock to 2,700+ very low-income households and homeless individuals
- Assisted 38 seniors with free legal aid services
- Provided funding for 40 families to participate in Milpitas Family Literacy Program
- Provided funding for shelter, hot meals, and supportive services for 25 unduplicated Milpitas adult men, women and children
- Provided funds for 45 domestic violence victims and their families
- Provided funding for 8 rental apartment rehabilitation units to make habitable, comfortable and energy efficiency for low and moderate-income households
- Provided funding for recreational services, programs and activities for 125 seniors and youths
- Funded 19 different public service agencies and housing providers, and
- Provided CDBG funds to assist over 6,027 Milpitas residents

The CAPER was advertised for public review and comments for 15 days (August 31- September 17, 2012). Copies of the CAPER were sent to all service and housing providers that received CDBG funds from the City and other interested parties. Copies were also made available at City Hall and the Milpitas Public Library. The city staff had not received any public comments at the time of this report.

Fiscal Impact: None.

Attachments:

1. Draft CAPER 2011-2012
2. Letter from HUD dated August 16, 2012

Recommendations:

1. Open the public hearing, and move to close the hearing following testimony.
2. Adopt the FY 2011-2012 Consolidated Annual Performance Evaluation Report (CAPER).

XV. REPORT OF OFFICER

* 2. Consider Mayor's Recommendations for Appointments to Three Milpitas Commissions (Contact: Mayor Esteves, 586-3029)

Background: Mayor Esteves recommends the following residents be appointed to Milpitas Commissions as follows:

Community Advisory Commission:

Appoint Mayvid Maclay (current Alternate No. 1) as regular voting member to a term that expires in January 2015.

Appoint Eva Ferguson (current Alternate No. 2) as Alternate No. 1 to a term that expires in January 2013.

Appoint Eusebio Espitia as (current Alternate No. 3) as Alternate No. 2 to a term that expires in January 2013.

Appoint Oscar Leon (current Alternate No. 4) as Alternate No. 3 to a term that expires in January 2014.

Newly appoint Marsha Tran as Alternate No. 4 to a term that expires in January 2014.

Parks, Recreation, and Cultural Resources Commission

Appoint Evelyn Ramirez (current Alternate No. 1) as regular voting member to a term that expires in June 2015.

Appoint Gerome Guerrero (current Alternate No. 2) as Alternate No. 1 to a term that expires in June 2014.

Newly Appoint Bhupinder Singh as Alternate No. 2 to a term that expires June 2013.

Youth Advisory Commission:

Newly appoint Raveena Chahal as Alternate No. 4 to a term that expires in September 2013.

Recommendation: Receive Mayor's recommendations and move to approve appointments to Three Commissions.

XVI. NEW BUSINESS

3. Consider participation in Sierra Club sponsored "Cool Cities" Climate Protection Initiative (Staff Contact: Tom Williams, 586-3050)

Background: Mayor Esteves requested City staff to research and evaluate the City of Milpitas' participation in the Sierra Club sponsored Cool Cities Program. Most cities within Santa Clara County are already participating in the program launched in 2005. The Cool Cities Program is a nationwide network of municipalities, private companies, citizens and local volunteers working collaboratively and making a commitment to curb global warming. Over 1,000 cities have signed onto the U.S Mayors Climate Protection Agreement and the Cool Counties Climate Stabilization Declaration.

The City of Milpitas has already achieved many of the objectives of the Cool Cities Program. These include such things as energy efficient buildings (energy efficient HVAC and chiller systems, use of recycled building materials, energy efficient lighting and timers etc.); installation of solar panels at the Sports Center; the purchase of hybrid vehicles for the City fleet; and the adoption of a Green Building Ordinance.

Information literature about climate protection and curbing global warming through green building practices and energy efficiency is already provided by the City. This information will be augmented by materials, guides and best practices information published by the Sierra Club as part of the Cool Cities Initiative.

If the City Council directs participation in the program, the City will set up a profile as a member of the Cool Cities campaign on their website and commence with a campaign to better inform the public and businesses on implementing energy efficiencies, and green building practices.

Fiscal Impact: None. The Cool Cities program is an effort that utilizes volunteers and best practices in Green Building compliance and energy efficiency buildings.

Recommendation: Direct staff to enroll in the Cool Cities initiative and launch a Cool Cities campaign through our website in collaboration with planning, building and land development divisions. Direct staff to agendize for City Council consideration the U.S. Mayors Climate Protection Agreement and the Cool Counties Climate Stabilization Declaration.

* **4. Consider Request for Waiver of City Fees from Two Local Churches (Staff Contact: Tiffany Brown, 586-3283)**

Background: Two requests for fee waivers were received by the Planning Department.

St. John the Baptist Catholic Church Annual Autumn Festival: The Planning Commission Subcommittee approved an application for the Autumn Festival on August 22, 2012. The festival was held September 7 through September 9, 2012. The church requested a waiver of \$877.82 in City fees related to the permitting of its Annual Autumn Festival. The event was located within the parking lot at St. John the Baptist Catholic Church, which had an agreement with Serra Center for participant parking. The fee amount includes a \$250 Special Event Permit Fee, \$167.05 Electrical Permit fee, and a \$460.77 Fire Prevention Inspection fee. The City Council has waived the fees for this event in previous years.

Christ Community Church of Milpitas' Outdoor Worship Event: The Planning Commission Subcommittee approved an application for the Worship Event on August 22, 2012. The event was held on September 9, 2012, at the Milpitas Sports Center located on the football field. The church requested a waiver of \$1,197.82 in City fees related to the permitting of its Outdoor Worship Event. The fee amount includes a \$320.00 rental fee for the Sports Center, \$250 Special Event Permit fee, \$167.05 Electrical Permit fee, and a \$460.77 Fire Prevention Inspection fee. This is the first time the Church has held this type of event. City rental fees have not been waived in the past.

Fiscal Impact: Loss of \$1,755.64 in fee revenue.

Recommendation: Consider the two requests, and move to approve the waiver of City fees for St. John the Baptist and Christ Community Churches (excluding the Sports Center rental fee of \$320.00) resulting in a total loss of \$1,755.64 in revenue.

XVII. RESOLUTIONS

* **5. Adopt a Resolution Amending List of Designated Full Disclosure Positions for the City of Milpitas' Conflict of Interest Code (Staff Contact: Mary Lavelle, 586-3001)**

Background: California's Political Reform Act requires that the City Council review the City's Conflict of Interest Code biennially (in even-numbered years) to determine if it is up to date or if changes are necessary. The City's Conflict of Interest Code was last reviewed and amended on September 21, 2010, per adoption of Resolution No. 8033. Job classifications need to be added and the list of positions updated appropriately.

A resolution including an amended Appendix adopting the City's Conflict of Interest Code, to incorporate the changes, is included in the Council's agenda packet. The list identifies all those positions that would need to file Form 700/Statement of Economic Interests annually.

Recommendation: Adopt a resolution updating the list of employee classifications required to file under the City's Conflict of Interest Code.

* **6. Adopt a Resolution Granting Final Acceptance of the Escuela Parkway Soundwall Renovation, Project No. 4267 (Staff Contact: Steve Erickson, 586-3301)**

Background: This project was initially accepted on September 6, 2011, and has now passed the one-year warranty period. A final inspection of the installed public improvements has been made, and the work was found to be satisfactory. The project provided for the repair and painting of City-owned soundwalls located along the north side of Escuela Parkway from Milpitas Blvd. to Donahe Drive. Repairs included removal of loose and fractured concrete, patching, and final painting with an elastomeric paint to help prevent decay.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of the Escuela Parkway Soundwall Renovation, Project No. 4267 and release of the contractor's bond.

* **7. Adopt a Resolution Approving the Site Development Permit Amendment for the Chu Residence Located at 867 Calaveras Ridge Drive (Staff Contact: Cindy Hom, 586-3284)**

Background: On August 22, 2012, the Planning Commission reviewed and recommended the City Council approve a Site Development Permit Amendment for installation of accessory structures and minor site modifications at 867 Calaveras Ridge Drive. This amendment would permit the construction of a new 346 square foot gazebo, three 8-foot tall trellises, new retaining walls, and a 196 square foot storage shed. A more detailed description of the project is provided in the Planning Commission staff report (copy in the Council's agenda packet). The project is consistent with the General Plan and is in conformance with the Zoning Ordinance.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving the Site Development Permit Amendment No. UA12-0002 for the residence at 867 Calaveras Ridge Drive.

* **8. Adopt a Resolution Authorizing the City Manager to Award Request for Proposal 2026 for Delivery and Installation of a New Telephone System to ExtraTeam, Inc., and to Enter into an Agreement and Amend Existing Related Agreements with Communication Strategies and Key Government Finance (Staff Contact: Matthias Schwarz, 586-2711)**

Background: In 1998 and 1999, the City Council approved the purchase of approximately \$600,000 of telephone equipment in order to replace legacy services provided by Pacific Bell. The implementation was completed in two phases, with the majority at City Hall and Public Works/Police Department in 1998 and the final addition at Fire Station 1 in 2000. The telephone system has now been in operation for 14 years. The planned life of this type of equipment is generally between 7 and 10 years. After this period of continuous operation, the equipment is prone to failure and often support is no longer available from the manufacturer. In the past several years, the City has experienced an increasing rate of significant equipment failures. A major failure of the telephone and/or voicemail system would seriously impact service delivery in all departments, including critical public safety functions.

The Telecommunications Commission has repeatedly recommended an upgrade and replacement of the existing infrastructure in its annual updates to the Telecommunications Master Plan. Consequently, the Department of Information Services begun comprehensive business needs analysis and system design efforts in 2011. Budget challenges further required a prioritization and acceleration of this project in order to achieve business benefits and cost savings as soon as possible. In February 2012, the City therefore engaged an outside consulting firm specializing in

telecommunications project management, Communication Strategies, to facilitate the Request for Proposal process and to obtain the best possible value for the City. The RFP process was completed in August 2012 and an Intend to Award was issued in favor of ExtraTeam, Inc., the highest-scoring bidder.

Staff explored various options to acquire the necessary equipment and to finance implementation services. The original 1998 and 1999 implementations were funded by technology bonds. These funds have been expended and in the current financial situation, a new bond issue is not prudent. A Technology Replacement Fund was established but would require in excess of four years to accumulate sufficient funds to purchase the equipment for the telephone system replacement. For identical reasons, the City entered into a Master Lease Agreement with Key Government Finance when replacing and upgrading the City's computer network equipment in 2009.

An option available to the City is to add a new schedule of materials and services to this existing Master Lease Agreement at very favorable conditions for a payment period of five years. ExtraTeam, the selected vendor, has worked with the equipment manufacturer and the leasing company to achieve a discount level resulting in a close to zero percent finance cost to the City. No fees are associated with the program and the lease includes provisions for termination should the City be unable to fund the annual payment. The annual payment would be \$97,252.15 and would commence in FY 2012-13 and terminate in FY 2016-17. At lease completion, the equipment would become the property of the City. Per Municipal Code Title I, Section 2-3.08 Cooperative Purchasing, the City can enter the lease without a competitive bidding process, since the CalNet II/ CMAS program governing this leasing program is an agreement that was competitively negotiated and/or used bidding procedures at least as restrictive as the City's. This program has been utilized by many agencies, including the Milpitas Unified School District and the City itself.

Given the difficulties of funding the total purchase price, staff recommends that the City proceed with the lease agreement in order to start the telephone system replacement project this fiscal year and avoid a potentially major failure of the City's telecommunications network. Currently, there is sufficient funding for the first annual payment in the Equipment Replacement Fund. The remaining payments will be programmed in the Equipment Replacement Fund as part of the annual budgeting process. The lease program and the lease documents have been reviewed and approved by the City Attorney's Office and the Purchasing Agent and the conceptual telephone system specifications and design have been approved by the Telecommunications Commission.

Fiscal Impact: None. Funding for annual lease payments requires annual appropriation in the Equipment Replacement Fund and there is sufficient funding for the first annual payment.

Recommendation: Adopt a resolution authorizing the City Manager to take actions related to purchase, installation, maintenance, and payment of new telephone system for the City of Milpitas.

* **9. Adopt a Resolution Amending the City of Milpitas Classification Plan Regarding the Planning Director (Staff Contact: Carmen Valdez, 586-3086)**

Background: Amendments to the Classification Plan are periodically required to account for organization changes and equity adjustments to salary ranges and/or other related changes or conditions. In order to be able to attract qualified candidates to meet our business needs and to be competitive with comparable neighboring cities staff is making the recommendation to modify the annual range of the Planning & Neighborhood Services Director to \$152,199 - \$185,000. The current salary range for this position is \$104,376 - \$164,996.

Fiscal Impact: None. There are sufficient funds allocated in the Planning & Neighborhood Services FY 2012-13 budget.

Recommendation: Adopt a resolution amending the Classification Plan to modify the salary range for the Planning & Neighborhood Services Director to an annual salary range of \$152,199 - \$185,000.

XVIII. CONTRACTS

- * 10. **Authorize the City Manager to Execute Amendment No. 4 to the Master Agreement with the Santa Clara Valley Transportation Authority (VTA) Relating to the Silicon Valley Rapid Transit Program Berryessa Extension Project (GT-1063) and Approve a Budget Appropriation (Staff Contact: Kathleen Phalen, 586-3345)**

Background: The extension of the Bay Area Rapid Transit (BART) system into Santa Clara County is being implemented by VTA's Silicon Valley Rapid Transit Program. The City and VTA executed a Master Agreement, which created a cooperative frame work between VTA and the City, for the design and construction of the BART line extension through Milpitas. This agreement allows for reimbursement of City expenses for a variety of coordination efforts, including but not limited to: design approval and inspection for City facilities, encroachment permit oversight, easements, utility maintenance operations, and resolution of construction issues. Amendments No. 1-3 to the Master Agreement included a work plan which described the City's support effort and estimated costs through September 30, 2012.

Staff negotiated a work plan extension with VTA to provide the following services for the next twelve months: reviewing construction plans, issuing permits, inspecting City public improvements, attending coordination meetings for several subprojects and consultant support. Staff recommends increasing the Master Agreement value in the amount of \$1,525,816 for the additional work and extending the term to September 30, 2013, as shown in Amendment No. 4. The requested budget appropriation will place a portion of this funding into a project budget account to allow payment for consultant support to the BART project.

Fiscal Impact: The Master Agreement requires VTA to establish a deposit account with the City to fund the City's work in reviewing and coordinating project plans. This amendment provides for an additional deposit of \$1,525,816 for reimbursable costs in accordance with the Master Agreement.

Recommendations:

1. Authorize the City Manager to execute Amendment No. 4 to the Master Agreement with VTA relating to the Silicon Valley Rapid Transit Program Berryessa Extension Project.
 2. Approve a budget appropriation of \$393,600 from GT1063 to Project No. 4265.
- * 11. **Approve and Authorize the City Manager to Execute Agreement Amendment No. 1 with Harris & Associates and Approve a Budget Appropriation (Staff Contact: Keyvan Irannejad, 586-3244)**

Background: Due to current peak work load, development project priorities with new submittals of land development projects, and in order to meet project schedules of current projects and anticipated projects, staff recommends additional consultant services to augment staff resources to assist with plan review services. Harris & Associates services are related to private development projects on as needed basis, which are fully reimbursed from developer funds.

Harris & Associates was selected based on recent past performance and through the City's consultant selection process. Staff estimated, based on work load, a negotiated scope and fee for these services not to exceed \$455,000, which is considered reasonable for the work. Included in the Council's packet are copies of the proposed agreement and budget request. The term of this agreement will be to cover anticipated work through September 30, 2014.

Fiscal Impact: None. The consultant fee for these services is reimbursable through the private project accounts.

Recommendations:

1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with Harris & Associates in the amount of \$455,000, subject to approval as to form by the City Attorney.
2. Approve a budget appropriation in the amount of \$455,000 from the General Fund to the Engineering budget to be reimbursed by private development funds.

*** 12. Approve and Authorize the City Manager to Execute an Agreement with SCS Engineers for Various Capital Improvement Program Projects (Staff Contact: Steve Erickson, 586-3301)**

Background: Engineering staff issued a Request for Proposal (RFP) for environmental engineering and testing services for the City's Capital Improvement Program in July of 2010 and the firm of SCS Engineers (SCS) was selected. SCS was authorized to provide up to \$200,000 of on-call environmental engineering and testing services required for the completion of various Capitol Improvement and Redevelopment Agency Projects. SCS successfully completed the first two years of authorized work requested and a new contract is needed to make SCS available for the remaining authorized amount of \$125,000 in solicited services. The current respective project budgets and cost plans are sufficient to fund the services to be provided. Upon completion of the authorized order for on-call services, a new competitive solicitation shall determine the next on-call environmental engineering and test service provider.

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

Recommendation: Approve and authorize the City Manager to execute an agreement with SCS Engineers in the amount of \$125,000.

*** 13. Approve a Layout Design Plan and a Maintenance Agreement for a New City Park at Great Mall Parkway and South Abel Street (Staff Contact: Tiffany Brown, 586-3283)**

Background: The City Council approved a Major Tentative Map on August 16, 2005, along with the agreement that the developer would include the design and construction of trails and park land. This residential project is known as Centria. Phase I of the project, known as Centria East, was built and completed in 2008 by D.R. Horton. Upon development of Centria East, the required park area and in-lieu fee for the number of units was completed. The City used the In-Lieu Fee amount from Centria East to purchase the half acre parcel that abuts Centria West for the use of a park. In June 2008, Lyon Milpitas, LLC ("Lyon") purchased the Centria West project, now known as Apex, from D.R. Horton. The Park land and open space required per the 2005 agreement for Apex is \$2,834 per unit or \$1,079,598 total. Lyon has agreed to design, construct, and maintain the property that was purchased by the City for a new park. The maintenance agreement copy is included in the agenda packet. The design and construction costs will be deducted from the Park In-Lieu Fee amount.

The park property is located at the southeast corner of the S. Abel and Great Mall Parkway Intersection (APN: 086-12-010). The property is approximately 0.48 acres zoned Parks and Open Space (POS). The park proposal includes a tot lot, a tennis court, a Bocce Ball Court, BBQs with seating areas, and a water feature along South Abel Street. The park layout plan is included in the agenda packet. Staff took the park design to the Parks Recreation and Cultural Resources Commission, where members reviewed and recommended approval of the City Park design to the City Council. The Park design is consistent with the City's Parks Master Plan and General Plan Open Space Element.

In addition, Lyon has offered to take on the maintenance obligations for the new park to facilitate the provision of amenities that could be enjoyed by local residents. The park will be open to the public and no benefits or special privileges will be granted to Apex residents.

Fiscal Impact: None

Recommendation: Approve the City Park Design along with the Maintenance Agreement for the new City Park at Great Mall Parkway and South Abel Street.

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, OCTOBER 2, 2012 AT 7:00 P.M.**