



**MILPITAS CITY COUNCIL MEETING AGENDA  
TUESDAY, OCTOBER 2, 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(a)  
Existing litigation: Milpitas Mobile Home Estates v. City of Milpitas, et al.  
Santa Clara County Superior Court, case number 112CV227468  
U.S. District Court, Northern District, case number CV12-03386

**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 (Vice Mayor McHugh)**

**VI. APPROVAL OF COUNCIL MEETING MINUTES – September 18, 2012**

**VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR for October 2012**

**VIII. PRESENTATIONS**

- Proclaim *Fire Prevention Week* for the week of October 7-13, 2012
- Presentation of a Key to the City to visiting officials from the Milpitas Sister City of Huizhou Municipality, China

**IX. 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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**X. ANNOUNCEMENTS**

**XI. ANNOUNCEMENT OF CONFLICT OF INTEREST**

**XII. APPROVAL OF AGENDA**

**XIII. CONSENT CALENDAR (Items with asterisks\*)**

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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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**XIV. UNFINISHED BUSINESS**

- 1. Receive Progress Report on Alviso Adobe Renovation Project, Phase IV Site Improvements, Project No. 5055 (Staff Contact: Kathleen Phalen, 586-3345)**
- \* 2. Receive the September 2012 Odor Control Report (Staff Contact: Kathleen Phalen, 586-3345)**

**XV. REPORTS OF OFFICERS AND COMMISSION**

- 3. Hear Request of Mayor Esteves to Consider a Special Event to Honor Former Mayor Ben Gross, as Requested by Milpitas Resident (Contact: Mayor Esteves, 586-3029)**
- \* 4. Consider Mayor's Recommendations for Reappointments to Two Milpitas Commissions (Contact: Mayor Esteves, 586-3029)**
- 5. Consider Request of City Council to Review and Reconsider the Request for Proposals for Police Services (Contact: Councilmember Gomez, 586-3031)**

**Library Advisory Commission**

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

**XVI. NEW BUSINESS**

- \* 7. Consider Request to Waive City Fees for Rotary Club's Pumpkin Patch in October (Staff Contact: Cindy Hom, 586-3284)**
- \* 8. Authorize Temporary Public Works Inspector Position and Approve a Budget Appropriation (Staff Contact: Keyvan Irannejad, 586-3244)**

**XVII. ORDINANCE**

- 9. First Reading and Introduction of Ordinance No. 76.15 Amending the Milpitas Municipal Code to Change Business License Procedures (Staff Contact: Emma Karlen, 586-3145)**

**XVIII. RESOLUTIONS**

- \* 10. Consider Adoption of a Resolution Authorizing Addition to the City's Classification Plan of Two New Public Works Manager Positions and Authorize Funding for the Proposed Utility Manager (Staff Contact: Tom Williams, 586-3050)**
- \* 11. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for Escuela Parkway Pedestrian and Bicycle Enhancement Project, Project No. 4259, Federal Aid Project No. RPSTPLE (009) (Staff Contact: Steve Erickson, 586-3301)**

**XIX. BIDS AND CONTRACTS**

- \* 12. Authorize the City Manager to Execute Amendment No. 3 to the Agreement with J.P. Graphics to Extend Citywide Printing Services for Two Additional Years in the Annual Not-To-Exceed Amount of \$85,000 (Staff Contact: Chris Schroeder, 586-3161)
- \* 13. Award the Bid for On-Call Graffiti Removal at Various City of Milpitas Locations and Authorize the City Manager to Execute a Contract with Graffiti Protective Coatings, Inc. for the Annual Not-To-Exceed Amount of \$20,000 (Staff Contact: Chris Schroeder, 586-3161)
- \* 14. Award the Bid for On-Call Pavement Repair at Various City of Milpitas Sites and Authorize the City Manager to Execute a Contract with DRT Grading & Paving, Inc. for the Annual Not-To-Exceed Amount of \$200,000 and Grant Annual Increases Per the Contract (Staff Contact: Chris Schroeder, 586-3161)

**XX. DEMAND**

- \* 15. Authorize Payment to Tiburon, Inc. for Software Support Services for the Annual Not-To-Exceed Amount of \$50,312.00 (Staff Contact: Chris Schroeder, 586-3161)

**XXI. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING:  
TUESDAY, OCTOBER 16, 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](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 after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3<sup>rd</sup> 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](http://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)*

*Sister Cities Commission*

Commission application forms are available online at [www.ci.milpitas.ca.gov](http://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](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.*

## AGENDA REPORTS

### XIV. UNFINISHED BUSINESS

**1. Receive Progress Report on Alviso Adobe Renovation Project, Phase IV Site Improvements, Project No. 5055 (Staff Contact: Kathleen Phalen, 586-3345)**

**Background:** In 1996, the City obtained the historic Alviso Adobe property, located at 2087 Alviso Adobe Court off Piedmont Road, to improve for public use. Improvements are being completed in phases as funding becomes available. Exterior structural improvements to the adobe building were completed in Phase III. On January 3, 2012, Council awarded this Phase IV project to improve the grounds to serve as a public park. The new park features a public restroom, pathways, lighting, picnic areas, apricot orchard, park benches, garden and other landscaping elements to replicate a historic 1920's farm setting. Improvements also include reconstructing the existing cutting shed, water tower and garage. This project phase is now nearly complete, ahead of schedule and within the budgeted contingency.

The final phase planned for the Alviso Adobe building will be restoration of the building interior. The total interior restoration is estimated at over \$1.0 million and the final phase project is not funded at this time. However, since the Phase IV project site improvements are ahead of schedule and within budget, staff is recommending that selected interior structural upgrades to Alviso Adobe be constructed now through a change order to the Phase IV contract, provided that these improvements are kept within the \$350,000 change order authority Council approved for the project. The recommended additional improvements are replacement of the Alviso Adobe building floor assembly, interior shear walls, and under-floor utilities. Completing these interior improvements before opening the park to the public would benefit the public because the park would not need to be closed to allow construction of the final project phase.

Staff will provide a brief presentation on progress to date, the project budget and schedule update, the cost estimate for the recommended change order, and other project related information at the Council meeting.

**Fiscal Impact:** None. The change order will not be executed unless the cost is within the available project budget. These project funds are from grants for the Alviso Adobe and from the Park Fund.

**Recommendation:** Receive progress report from staff, and authorize additional work within the Alviso Adobe interior structure, provided costs are kept within project change order authority.

\* **2. Receive the September 2012 Odor Control Report (Staff Contact: Kathleen Phalen, 586-3345)**

**Background:** From August 20 through September 16, 2012, the Bay Area Air Quality Management District (BAAQMD) received sixteen odor complaints originating in Milpitas. Ten complaints identified a garbage-related odor, none identified a sewage-related odor and six did not identify an odor source. As of the last Council update, the City's odor reporting website has received nine reported complaints.

**Fiscal Impact:** None.

**Recommendation:** Receive the September 2012 odor report.

### XV. REPORTS OF OFFICERS AND COMMISSION

**3. Hear Request of Mayor Esteves to Consider a Special Event to Honor Former Mayor Ben Gross, as Requested by Milpitas Resident (Contact: Mayor Esteves, 586-3029)**

**Background:** Mayor Esteves received a request from a resident to consider an event honoring the recently deceased Ben Gross. Mr. Gross served as the City's first African American Mayor in 1966 and was a long time Milpitas resident, until he moved to Michigan. Some residents wish to host an event "The Ben Gross Tribute" with music and refreshments at the Barbara Lee Senior Center one Sunday afternoon in the fall. A request for a proclamation from the Mayor is sought.

**Fiscal Impact:** Costs for rental of the Senior Center are requested to be waived. Some staff overtime costs may be incurred. Resident has requested a donation from City Council of \$200.

**Recommendation:** Hear Mayor's request and direct staff accordingly.

\* **4. Consider Mayor's Recommendations for Reappointments to Two Milpitas Commissions (Contact: Mayor Esteves, 586-3029)**

**Background:** Mayor Esteves recommends the following residents be reappointed to two Milpitas Commissions as follows:

**Arts Commission:**

Reappoint Harriett McGuire to a term that will expire in October 2015.

**Sister Cities Commission:**

Appoint Miriam Hardin (current Alternate No. 1) as a regular voting member to a term that will expire in September 2015.

Appoint German Galvan (current Alternate No. 2) to Alternate No. 1 to a term that expires in September 2014.

**Recommendation:** Receive Mayor's recommendations and move to approve appointments and reappointment to two Milpitas Commissions.

**5. Consider Request of City Council to Review and Reconsider the Request for Proposals for Police Services (Contact: Councilmember Gomez, 586-3031)**

**Background:** On September 18, 2012, a majority of the City Council voted to place the Request for Proposals (RFP) for Police Services on the agenda for further discussion and consideration. The City Council directed development of a Request for Proposals to obtain information and study the costs associated with contracting law enforcement services with an outside agency at the Council meeting of August 21, 2012.

Staff prepared the RFP with sufficient detail regarding the current level of services for police protection in the City of Milpitas as well as provisions for creative proposal submittals that could achieve desired service levels at a competitive cost.

The RFP was released on August 23, 2012, and sent to surrounding jurisdictions. A pre-submittal meeting was held on September 12, 2012, and the deadline to submit proposals is October 2, 2012. Attendance at the pre-submittal meeting was required to maintain eligibility to submit a proposal. Although the RFP was sent to several agencies, only the Santa Clara County Sheriff's office attended the mandatory pre-proposal meeting and, as such, remains as the only eligible organization to submit a bid.

As of the date of this report, the City had not received any proposals.

**Fiscal Impact:** None.

**Recommendation:** Receive report and take action as may be desired by the City Council.

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

**Background:** In September 2012, Milpitas Community Librarian Linda Arbaugh received a donation from Sumit Mnocha in the amount of \$2,000 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. The donor specified that the donation be used “for books and materials.”

At its meeting on September 4, 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 is a copy of the LAC minutes and the proposed spending plan for console games and best seller DVD collection expenses. Upon acceptance by the Council, the individual will be recognized by the LAC on the donor board at the Milpitas Public Library.

**Fiscal Impact:** None.

**Recommendation:** Accept the donation gift of \$2,000 to the Milpitas Public Library and the proposed spending plan as recommended by the Library Advisory Commission.

**XVI. NEW BUSINESS**

\* 7. **Consider Request to Waive City Fees for Rotary Club’s Pumpkin Patch in October (Staff Contact: Cindy Hom, 586-3284)**

**Background:** The Milpitas Rotary Club requested a fee waiver totaling \$877.82 for fees related to the review and permitting of its annual pumpkin patch in October. The pumpkin patch is located within the Milpitas Sports Center parking lot. 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.

**Fiscal Impact:** Loss of \$877.82 in fee revenue.

**Recommendation:** Move to approve the waiver of City fees in the amount of \$877.82 for the Milpitas Rotary Club Pumpkin Patch event taking place during the month of October.

\* 8. **Authorize Temporary Public Works Inspector Position and Approve a Budget Appropriation (Staff Contact: Keyvan Irannejad, 586-3244)**

**Background:** Due to the current peak of work load, development project priorities associated with new project submittals, and in order to meet project schedules of current and proposed projects, staff recommends hiring an additional Temporary Public Works Inspector to assist with Public Works inspection services which are fully reimbursed from developer funds.

Present workload does not allow the Department to provide adequate inspection services at current staff levels for the proposed and current projects, which necessitates employment of a Temporary Public Works Inspector at the annual cost of \$112,682.

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

**Recommendations:**

1. Approve and authorize the continued employment of one Temporary Public Works Inspector position.
2. Approve a budget appropriation in the amount of \$112,682 from the General Fund to the Building & Safety Department budget to be reimbursed by private development funds.

## XVII. ORDINANCE

### 9. **First Reading and Introduction of Ordinance No. 76.15 Amending the Milpitas Municipal Code to Change Business License Procedures (Staff Contact: Emma Karlen, 586-3145)**

**Background:** The Business License ordinance has been effective since 1959 with the current tax rates established in 1976. A majority of the business license tax revenue is generated from businesses that have physical addresses in Milpitas. However, the Ordinance also allows the City to collect from any businesses or persons that conduct businesses, trades, or professions in Milpitas, including transient vendors. Staff proposes to perform a review of the Business License ordinance including tax rates, methodology of collection and procedures in order to bring the Business License ordinance up to date, so that the business license tax is comparable with other cities in the region and the methods of collection is cost beneficial.

Staff proposes the review to be conducted in two phases. The immediate change that staff proposes in Phase 1 is to amend the license tax payment date from fiscal year to calendar year to combine the billing of business license tax and annual Fire Permit fees on one invoice (with itemization). The annual Fire Permit fees are invoiced on a calendar year basis and business license is invoiced on a fiscal year basis. The proposed change will benefit local businesses as they will receive only one invoice instead of two invoices from the City; presently, that is one in May for business license tax and another in November for annual Fire Permit fees. The change will also streamline the collection of both revenues for the City by improving efficiency on processing time and saving postage.

Phase 2 of the review will analyze the collection procedures, tax rates and ultimately who should pay for business license tax. It will take longer time to complete as it will require comparison with other cities and fiscal impact analysis. It is anticipated that staff will report to the City Council and provide recommendations later on this fiscal year on Phase 2. There are other minor language changes in Section 16.03 to clarify the provision of issuance of renewed licenses. Section 16.02 is deleted to eliminate confusion of the business license tax proration dates. Section 17.07 is deleted to remove outdated provision of the Business License Ordinance. All proposed Phase 1 ordinance changes merely update administrative payment receipt and invoicing procedures and do not raise or impose any new license taxes. Accordingly, no voter approval or other special steps beyond the normal ordinance adoption steps are required.

If City Council approves these changes, businesses that paid for annual license tax in FY 2012-13 will receive six months credit for the licenses that will be renewed in calendar year 2013.

Some programming changes are needed in the Business License system to reprogram the business license tax due date and add billing of the annual Fire Permit fees in the System. The estimated cost of the programming change is about \$6,000 and will necessitate a budget appropriation. The cost will be offset by Fire Automation fee collected.

**Fiscal Impact:** \$6,000 programming costs will be offset by Fire Automation fee collected.

**Recommendations:**

1. Waive the first reading beyond the title of Ordinance No. 76.15.
2. Introduce Ordinance No. 76.15 amending Sections 16.01, and 16.03 and deleting Sections 16.02 and 17.07 of Chapter 1 Title III of the Milpitas Municipal Code.
3. Approve budget appropriation of \$6,000 for Business License System reprogramming cost.

## XVIII. RESOLUTIONS

\* 10. **Consider Adoption of a Resolution Authorizing Addition to the City's Classification Plan of Two New Public Works Manager Positions and Authorize Funding for the Proposed Utility Manager (Staff Contact: Tom Williams, 586-3050)**

**Background:** As part of the overall City of Milpitas budget reduction plan, that was necessary due to the State of California eliminating redevelopment and taking \$7 million from the City's General Fund annually, the Fiscal Year 2012-13 budget resulted in significant cuts and reorganization strategies. Particularly, five Public Works Supervisor positions were eliminated with those duties to be consolidated and provided through the creation of two Public Works Manager Positions.

Staff is seeking approval from the City Council to commence with the FY 2012-13 reorganization strategy for the Public Works Department by adding the two Public Works Manager Positions to the City's job classification plan. The duties of the two managers are detailed in the job description (in Council agenda packet) and their responsibilities will be divided into two divisions: one will be responsible for the Utility (water and sewer) divisions and the other will have management responsibilities for the Corporation Yard, including building maintenance, facility maintenance, fleet maintenance and street divisions.

The Utility Manager will be funded through the water and sewer enterprise fund and the Corporation Yard manager will be funded through the General Fund. The recommended salary for the two positions ranges from \$104,162 to \$126,609 (salary) with a fully loaded cost ranging from \$144,000 to \$170,000. These two manager positions will be allocated to the exempt/unrepresented employee group.

At this time, it is recommended that the City pursue hiring of the Utility Manager immediately. The Corporation Yard Manager will be retained upon the City's ability to fund as a result of positive General Fund revenue increases. At the time the General Fund can absorb the cost, staff will return to the City Council for authority to fill the second Public Works Manager position.

**Fiscal Impact:** Maximum annual fiscal impact is \$170,000 to water and sewer funds and \$170,000 to the City's General Fund.

**Attachments (in the Council agenda packet):**

- 1) Draft Resolution
- 2) Public Works Manager Job Description
- 3) Salary Range Survey
- 4) FY 2012-13 Budget Reorganization Charts: (1) First 3 months of FY and (2) Final
- 5) Budget Change Form

**Recommendation:** Adopt a resolution adding the job classification and pay range for two Public Works Managers and direct the City Manager to commence with hiring the Public Works Utility Manager.

\* 11. **Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for Escuela Parkway Pedestrian and Bicycle Enhancement Project, Project No. 4259, Federal Aid Project No. RPSTPLE (009) (Staff Contact: Steve Erickson, 586-3301)**

**Background:** The Council awarded the Escuela Parkway Pedestrian and Bicycle Enhancement Project to JJR Construction, Inc. on April 17, 2012. The project widened an existing sidewalk along the east side of Escuela Parkway between Russell Lane and Washington Drive and installed a bus pullout on the west side of Escuela Parkway in front of Milpitas High School. Installation of street trees and irrigation systems was also included. The project was successfully completed on time and within budget. Staff recommends that Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor's faithful performance bond to \$43,499.04, which is 10% of the final contract value.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution granting initial acceptance of the Escuela Parkway Pedestrian and Bicycle Enhancement Project No. 4259, Federal Aid Project No. RPSTPLE (009), subject to a one-year warranty period and reduction of the faithful performance bond to \$43,499.04.

**XIX. BIDS AND CONTRACTS**

- \* **12. Authorize the City Manager to Execute Amendment No. 3 to the Agreement with J.P. Graphics to Extend Citywide Printing Services for Two Additional Years in the Annual Not-To-Exceed Amount of \$85,000 (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On November 17, 2009, J.P. Graphics was awarded a contract for citywide printing services. The award to J.P. Graphics was based on the result of a Request for Proposal. Under contract with the City J.P. graphics was required to build a unique on-line ordering interface specifically designed for the City of Milpitas. Forty-three City employees were trained on the placement of orders using the online system. J.P. Graphics has provided very good service and has agreed to hold current pricing for an additional two years, despite the fact that paper prices have gone up significantly. The existing contract was for a total of three years. Staff recommends approving this amendment which will extend the contract for two additional option years.

**Fiscal Impact:** None. Funding for this service is available from the individual department's operational budgets.

**Recommendation:** Authorize the City Manager to execute amendment No. 3 to the agreement with J.P. Graphics to extend the contract for citywide printing services for two additional option years in annual not-to-exceed amount of \$85,000 per year.

- \* **13. Award the Bid for On-Call Graffiti Removal at Various City of Milpitas Locations and Authorize the City Manager to Execute a Contract with Graffiti Protective Coatings, Inc. for the Annual Not-To-Exceed Amount of \$20,000 (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** Working with the City Attorney and Traffic Engineering, the City's Purchasing staff developed a specification and on August 28, 2012, issued Invitation for Bid Number 2031 for On-Call Graffiti Removal at various City of Milpitas locations. This is a one year contract with four, one-year renewal options. The bid was advertised in the local newspaper, on the City's website, and through The Blue Book. Five bidders responded and here is a recap of the bids received:

<u>Bidder</u>	<u>Total Base Bid</u>
Ms. Fix It & Landscaping	\$380*
Graffiti Protective Coatings, Inc.	\$460
Impec Group	\$710
A Plus Painting	\$4,500
Ashron Construction	\$19,000

\*Disqualified, not properly licensed.

**Fiscal Impact:** None. Funds are available for this service from the Public Works operating budget.

**Recommendation:** Award the bid for IFB 2031 for on-call graffiti removal at various City of Milpitas locations to Graffiti Protective Coatings, Inc. for the annual not-to-exceed amount of \$20,000.

- \* 14. **Award the Bid for On-Call Pavement Repair at Various City of Milpitas Sites and Authorize the City Manager to Execute a Contract with DRT Grading & Paving, Inc. for the Annual Not-To-Exceed Amount of \$200,000 and Grant Annual Increases Per the Contract (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** The City's Purchasing staff worked with Traffic Engineering to develop a specification and on August 27, 2012, issued Invitation for Bid Number 2028 for On-Call Pavement Repair at Various City of Milpitas Sites. This is a one year contract with four, one-year renewal options. The bid was advertised in the local newspaper, on the City's website, and through The Blue Book. Five bidders responded and here is a recap of the bids:

<u>Bidder</u>	<u>Amount</u>
Graniterock/Pavex	\$289,600*
DRT Grading & Paving, Inc.	\$293,650
Coastal Paving, Inc.	\$357,050
Granite Construction Company	\$544,750
C.F. Archibald Paving, Inc.	\$724,500

\*Disqualified, did not submit any required documentation.

**Fiscal Impact:** None. Funds are available for this service from the Public Works operating budget.

**Recommendations:**

1. Award the bid for IFB 2028 for on-call pavement repair at various City of Milpitas sites to DRT Grading & Paving for the annual not-to-exceed amount of \$200,000.
2. Authorize the City Manager to grant yearly increases pursuant to the contract without further City Council action.

**XX. DEMAND**

- \* 15. **Authorize Payment to Tiburon, Inc. for Software Support Services for the Annual Not-To-Exceed Amount of \$50,312.00 (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On March 28, 2000, the City signed an Extended Services Agreement with Tiburon, Inc. to provide software support for the Police Records Management System which runs on an Oracle database. Tiburon, Inc. is the developer of the software, there is no other source for support and maintenance of this application. Renewal of the maintenance agreement is necessary to ensure the operation of the Police records management system. On January 4, 2011, the City Council recommended that Tiburon, Inc. be designated a sole source pursuant to Municipal Code Section I-2-3.09 Sole Source Procurement. The contract renews annually at an increased rate of 5% unless cancelled. The cost for the software support services in FY 2012-13 is \$50,312.00.

**Fiscal Impact:** None. The cost of the maintenance agreement in the current fiscal year has been budgeted in the Information Services budget.

**Recommendation:** Authorize payment to Tiburon, Inc. for software support services for the annual not-to-exceed amount of \$50,312.00.

**XXI. ADJOURNMENT**