



**MILPITAS CITY COUNCIL MEETING AGENDA
TUESDAY, MARCH 19, 2013**

**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**
 - 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to California Government Code §54956.9
City of Milpitas as Defendant
 - 2. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**
Pursuant to California Government Code §54957.6, City Negotiator: Carmen Valdez
Employee Groups: Milpitas Employees Association (MEA), Milpitas Police Officers Association (MPOA), and International Association of Fire Fighters (IAFF)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
- 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 Gomez)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – March 5, 2013**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS - March and April 2013**
- VIII. PRESENTATION - Recognition Certificate to Art of Living Foundation followed by a brief presentation by the Foundation to the City of Milpitas**
- 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 item not listed on the agenda, 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 place the item on a future meeting agenda.

- 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 a Resolution to Adopt the South Milpitas Boulevard Plan Line (Staff Contact: Steve Chan, 408-586-3324)**

XV. UNFINISHED BUSINESS

2. **Receive Progress Report on the Bay Area Rapid Transit (BART) Extension Project (Staff Contact: Kathleen Phalen, 408-586-3345)**
3. **Receive Progress Report on Fire Department Overtime Containment (Staff Contact: Brian Sturdivant, 408-586-2811)**

XVI. REPORTS OF MAYOR AND COMMITTEE

- * 4. **Consider Mayor's Recommendation for Appointments to the Economic Development Commission and Library Commission (Contact: Mayor Esteves, 408-586-3029)**
- * 5. **Approve the Public Art Committee 2013-2015 Master Plan (Staff Contact: Renee Lorentzen, 408-586-3409)**

XVII. ORDINANCE

6. **Waive the Second Reading and Adopt Ordinance No. 284 Requiring Council Disclosure of Campaign Contributions (Staff Contact: Michael Ogaz, 408-586-3040)**

XVIII. RESOLUTIONS

- * 7. **Adopt a Resolution Granting Initial Acceptance of Santa Clara Valley Transportation Authority (VTA) Water, Storm, and Sewer Utility Relocation at Piper Drive, VTA Project No. C610 (Staff Contact: Kathleen Phalen, 408-586-3317)**
- * 8. **Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for Abel Street Transit Connection Project No. 4260, Federal Aid Project No. CML-5341 (003) (Staff Contact: Steve Erickson, 408-586-3301)**
- * 9. **Adopt a Resolution Approving Park and Recreation Programs Donation Policy (Staff Contact: Michael Ogaz, 408-586-3040)**
- * 10. **Approve and Authorize Execution of a Subdivision Improvement Agreement, Sewer Acquisition and Reimbursement Agreement 11B-2/11C, On-Site Private Utilities Covenant Agreement, Right-of-Way Encroachment Permit Agreement, Final Map, Sewer 11B-2/11C and Public Improvement Plans, and Adopt Resolution Authorizing Annexing Certain Real Property into Community Facilities District No. 2008-1 for Pace Development/Contour Trade Zone, LLC, Project No. 2762 (Staff Contact: Keyvan Irannejad, 408-586-3244)**
- * 11. **Adopt a Resolution Authorizing the City Manager to Execute a Contract for the Purchase of a Video Imaging Detection System by Piggybacking the City of San Jose Contract with Iteris, Inc. for the Not-to-Exceed amount of \$73,600 (Staff Contact: Chris Schroeder, 408-586-3161)**

XIX. BIDS AND CONTRACTS

- * 12. **Award the Bid for On-Call Pavement Striping and Marking at Various City of Milpitas Sites to Chrisp Company for an Annual Not-To-Exceed Amount of \$100,000 and Allow the City Manager to Approve Annual Increases Per Agreement Terms (Staff Contact: Chris Schroeder, 408-586-3161)**

- * 13. Award the Bid for On-Call Sidewalk Repair, Curbs & Gutters at Various City of Milpitas Sites to JJR Construction, Inc. for an Annual Not-To-Exceed Amount of \$150,000 and Allow the City Manager to Approve Annual Increases Per Agreement Terms (Staff Contact: Chris Schroeder, 408-586-3161)
- * 14. Authorize City Manager to Execute an Agreement with Contour Trade Zone LLC (Trumark) for Fee Credit Reimbursement for Public Facilities and Improvements within the Transit Area Specific Plan (Staff Contacts: Steve McHarris, 408-586-3273 and Felix Reliford, 408-586-3071)
- * 15. Approve and Authorize the City Manager to Execute an Agreement with Bellinger Foster Steinmetz Landscape Architecture for Pinewood Park Renovation Project No. 5096 (Staff Contact: Steve Erickson, 408-586-3301)
- * 16. Approve Purchase and Installation of a Telescoping Boom for the Vactor Sewer Truck for an Amount not to exceed \$25,000 and Approve a Budget Appropriation (Staff Contact: Kathleen Phalen, 408-586-3345)

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, APRIL 2, 2013 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:

- Arts Commission (alternate member)*
- Public Art Committee (Alliance for the Arts member)*
- Community Advisory Commission (one regular member and one alternate member)*
- Economic Development Commission (alternate members)*

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office (408-586-3003) 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 a Resolution to Adopt the South Milpitas Boulevard Plan Line (Staff Contact: Steve Chan, 408-586-3324)**

Background: The Transit Area Specific Plan (TASP), adopted by City Council in June 2008, identified a new segment of public roadway that will extend South Milpitas Boulevard from Montague Expressway to Capitol Avenue to serve the future BART station. The City must adopt a plan line to establish the public street right-of-way for this new street extension to ensure there will be sufficient width to construct the street section as described in the TASP. As envisioned in the TASP, this will be a collector road with two 11-foot wide travel lanes in each direction, a median island varying in width from 4 to 10 feet, 6-foot wide bike lanes in each direction, and 9-foot sidewalks on both sides of the street. Space for landscape planter strips is designated at intervals along the back of curb to serve as stormwater treatment facilities, as required by the City's urban runoff permit. The plan line also identifies the affected parcels, land uses, and the extent of dedication needed to establish right-of-way.

In accordance with the 2010 Master Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA), VTA will acquire the right-of-way and will design and construct the South Milpitas Blvd. extension from Montague Expressway to Capitol Avenue. VTA and the City will share the costs for this effort in accordance with the Master Agreement. The City will pay its share of costs to VTA from the Transit Area Developer Impact Fees as they become available, up to a maximum amount of \$17 million.

VTA's contract designers have prepared the South Milpitas Boulevard plan line design (copy included in the Council packet) for the South Milpitas Boulevard extension. City staff advised VTA's designers on the City's requirements for this plan line, reviewed the work, and finds that it will acceptably establish the public street right-of-way to accommodate the planned street section in accordance with the TASP and City standards.

Fiscal Impact: None.

Attachments:

1. Resolution
2. South Milpitas Boulevard Plan Line Design

Recommendations:

1. Open the public hearing, and following any comments, move to close the public hearing.
2. Adopt a resolution to establish the South Milpitas Boulevard Plan Line from Montague Expressway to Capitol Avenue.

XV. UNFINISHED BUSINESS

2. **Receive Progress Report on the Bay Area Rapid Transit (BART) Extension Project (Staff Contact: Kathleen Phalen, 408-586-3345)**

Background: The Program Manager from Santa Clara Valley Transportation Authority (VTA) will present a progress report on the Silicon Valley BART Extension project, the 10-mile extension from the Warm Springs Station in Fremont, to the Milpitas Station to be located near the Great Mall, and then on to a Berryessa Station to be constructed in San Jose. The project is now entering the second year of the four-year major construction phase. Construction activities include relocating municipal utilities, constructing street improvements, making flood improvements, constructing the rail extension, and building the station campuses. This

presentation will include a summary of upcoming construction, status of the Residential Noise Insulation Program, and a description of the Maintenance of Traffic and Access (MOTA) plan.

Fiscal Impact: None.

Recommendation: Receive progress report from VTA staff at the Council meeting on the Bay Area Rapid Transit (BART) Extension Project.

3. Receive Progress Report on Fire Department Overtime Containment (Staff Contact: Brian Sturdivant, 408-586-2811)

Background: On February 5, 2013, City Council voted unanimously to follow direction from the City Council Task Force on Fire Department Overtime Cost Containment. The Task Force directives were to delay layoffs to March 20, 2013, allowing time for a vote by Local 1699 on a proposed letter of agreement. The side letter allows for management flexibility to decrease the minimum staffing provisions as stated in the current Memorandum of Understanding (MOU) in an effort to control overtime costs. The side letter includes acceptance of the federal SAFER grant award of \$2.1 million to hire six firefighters necessary to achieve staffing levels in the A, B, and C platoons of 59 full time personnel. Lastly, it was understood that the City Council would allow the transfer of \$600,000 from reserve funds to the Fire Department, to be recouped over six years through the Fire Department budget. IAFF Local 1699 will vote on the proposed letter of agreement on Monday, March 18, 2013.

Fiscal Impact: \$600,000 from reserve funds with no additional impact if Local 1699 votes in favor of management flexibility with minimum staffing provisions in the current Memorandum of Understanding (MOU) with IAFF Local 1699.

Recommendation: If agreement is reached, move forward with hiring six additional fire personnel, once the amended SAFER Grant is funded and transfer \$600,000 from reserve funds to the Fire Department overtime budget. If IAFF Local 1699 does not vote in favor of the agreement, move to reject the SAFER Grant and direct the Fire Chief to implement the previous plan of browning out a fire apparatus and implement the firefighter layoff plan effective March 20, 2013.

XVI. REPORTS OF MAYOR AND COMMITTEE

*** 4. Consider Mayor's Recommendation for Appointments to the Economic Development Commission and Library Commission (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the new appointment of Melanie Holthaus to the Economic Development Commission as Alternate No. 1 to a term that will expire in April 2015; and new appointment of Nonie McDonald to the Library Commission as Alternate No. 2 to a term that will expire in June 2013. Copies of all applications on file are included in the Council agenda packet.

Recommendation: Appoint Melanie Holthaus to the Economic Development Commission as Alternate No. 1 and Nonie McDonald to the Library Commission as Alternate No. 2.

*** 5. Approve the Public Art Committee 2013-2015 Master Plan (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: At the January 28, 2013 Public Art Committee meeting, Committee members approved a 2-year Public Art Master Plan which outlines Public Art Installation and Maintenance projects they would like to facilitate in fiscal years 2013-2015. Projects listed are based on locations that Committee members believe will aesthetically benefit the community and visitors

to Milpitas as well existing art pieces in need of maintenance repairs. The Public Art Fund currently has a balance of \$166,000.

The Public Art Master Plan also identifies public art projects that are placed on hold indefinitely. These projects were budgeted from monies no longer available from the Redevelopment Agency. The Committee's desire is to complete these projects in the future should additional funding become available.

Those projects on hold and their individual budgets are:

- City Hall Exterior - \$175,000
- Cartwheel Kids Move - \$15,000
- Main St. Transit Shelter Enhancements - \$14,000

All projects in the Public Art Master Plan will return individually to City Council for final budget and art piece approval.

Fiscal Impact: None. Sufficient funds are available in the Public Art Fund.

Recommendation: Approve the Public Art Committee 2013-2015 Master Plan.

XVII. ORDINANCE

6. Waive the Second Reading and Adopt Ordinance No. 284 Requiring Council Disclosure of Campaign Contributions (Staff Contact: Michael Ogaz, 408-586-3040)

Background: Ordinance No. 284 was introduced at the March 5, 2013 City Council meeting. At that time, City Council directed various changes to the Recitals and asked that award of contract agenda items be included within the scope of disclosure. The Ordinance has been revised to reflect this direction and is now ready for adoption.

Fiscal Impact: None.

Recommendations:

1. Move to waive the second reading of the Ordinance No. 284.
2. Adopt Ordinance No. 284 requiring City Council disclosure of developer and contractor campaign contributions to elected officers.

XVIII. RESOLUTIONS

*** 7. Adopt a Resolution Granting Initial Acceptance of Santa Clara Valley Transportation Authority (VTA) Water, Storm, and Sewer Utility Relocation at Piper Drive, VTA Project No. C610 (Staff Contact: Kathleen Phalen, 408-586-3317)**

Background: On September 10, 2010, the City entered into a Master Agreement with the Santa Clara Valley Transportation Authority (VTA) that included provisions for VTA's construction of certain City public improvements in conjunction with VTA's Silicon Valley Rapid Transit Program Berryessa Extension Project. In accordance with this agreement, City engineering staff reviewed the plans and specifications for VTA's relocation of City water, storm and sewer utilities in Piper Drive. On January 5, 2012, staff issued an encroachment permit to VTA's contractor, Con-Quest Contractors Inc., to complete the construction in accordance with the approved plans and specifications. City staff inspected the contractor's work and find it to be complete and in accordance with the provisions of the Master Agreement, the VTA plans and specifications, and City standards. The utility improvements are now ready for the City's initial acceptance. In accordance with the Master Agreement, VTA will warranty the improvements for one year from the date of this initial acceptance.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of VTA's Water, Storm, and Sewer Utility Relocation at Piper Drive, VTA Project No. C610, subject to a one-year warranty period.

- * **8. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for Abel Street Transit Connection Project No. 4260, Federal Aid Project No. CML-5341 (003) (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City Council authorized the City Manager to award the Abel Street Transit Connection Project to JJR Construction Inc. on May 1, 2012. The project provides for the installation of new streetscape improvements including curb, gutter, sidewalk, decorative paving, decorative street lighting, landscaping and irrigation on a portion of Abel Street south of Great Mall Parkway. 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 \$103,440.04, which is 10% of the final contract value.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of Abel Street Transit Connection Project, Project No. 4260, Federal Project No. CML-5314 (003), subject to a one year warranty period and reduction of the faithful performance bond to \$103,440.04.

- * **9. Adopt a Resolution Approving Park and Recreation Programs Donation Policy (Staff Contact: Michael Ogaz, 408-586-3040)**

Background: The Parks, Recreation and Cultural Resources Commission (PRCRC) has contemplated the need for a Park and Recreation Program donation policy since 2012. The Commission has created the policy based upon a similar program used at the Milpitas Public Library. This policy allows for monetary and non-monetary donations and makes acceptance of all donations within the discretion of the Council in accord with current City Standard Operating Procedure 26-2. The policy requires that all donations be used for Parks and Recreation programs with specific uses honored to the extent practical in keeping with the wishes of the donor, but giving the City Manager final authority regarding the specific use. For undesignated gifts, the PRCRC will make recommendations to the Council for the specific use of the donation. A copy of the resolution and policy are included in the agenda packet.

Fiscal Impact: May augment various department budgets to the extent budgeted services or equipment are provided with donated funds.

Recommendation: Adopt a resolution approving the Donation Policy and Procedures for the City of Milpitas Parks and Recreation Programs.

- * **10. Approve and Authorize Execution of a Subdivision Improvement Agreement, Sewer Acquisition and Reimbursement Agreement 11B-2/11C, On-Site Private Utilities Covenant Agreement, Right-of-Way Encroachment Permit Agreement, Final Map, Sewer 11B-2/11C and Public Improvement Plans, and Adopt Resolution Authorizing Annexing Certain Real Property into Community Facilities District No. 2008-1 for Pace Development/Contour Trade Zone, LLC, Project No. 2762 (Staff Contact: Keyvan Irannejad, 408-586-3244)**

Background: On November 15, 2011, the City Council approved a Vesting Tentative Map, Conditional Use Permit and Site Development Permit for Trumark Communities' Contour Project (since renamed the "Pace Project") for construction of 43 single family homes and 91

condominium units. The project is located at 330 Montague Expressway (on northeast corner of Montague Expressway and Trade Zone Blvd.)

The developer submitted a final tract map, off-site sewer replacement plans 11B-2/11C, public improvement plans, and executed a sewer acquisition agreement, and a subdivision improvement agreement and related agreements for the project (on-site private utilities covenant agreement and right-of-way encroachment permit agreement). Staff reviewed the plans, tract map and agreements and has determined they satisfy the City's requirements for this project. The improvements plans for off-site sewer replacement, public improvement plans, final map, on-site private utilities covenant agreement, and right-of-way encroachment agreement are available for review in the City Engineer's office.

The public improvements consist of new curb/gutter, sidewalk, street lights and landscaping and irrigation along the project frontage, new utility connections, new recycled water main, and a new public street. An encroachment agreement is required to construct the roadway and utility improvements. The project will also have on-site private streets and utilities.

The developer petitioned the City to annex the project into Community Facilities District 2008-1 (CFD 2008-1). State law and City Resolution No. 7816 authorize such annexation upon the property owner's written consent without further public hearing or formal election. Annexation into CFD 2008-1 will subject the homeowners to an annual assessment to fund certain City services. The written petition and other required documents are attached to the resolution (included in the Council agenda packet).

Fiscal Impact: None.

Attachments:

1. Subdivision Improvement Agreement
2. Sewer Acquisition and Reimbursement Agreement
3. Resolution Annexing Community Facility District 2008-1 (Annexation No. 2)
4. Final Map (Tract 10138) – Cover Page
5. Public Improvement Plans No. 2-1161 – Cover Page
6. Sewer Replacement 11B-2/11C Plans No. 2-1159 – Cover Page
7. On-Site Private Utilities Covenant Agreement – Cover Page
8. Right-of-Way Encroachment Permit Agreement – Cover Page

Recommendations:

1. Approve and authorize the execution of a subdivision improvement agreement, and a sewer acquisition and reimbursement agreement, on-site private utilities covenant agreement, and right-of-way encroachment permit agreement.
2. Approve the Final Map with the recommended street names.
3. Adopt a resolution annexing properties known as "Pace Project" into Community Facility District 2008-1.
4. Approve the Public Improvement Plans 2-1161 and Sewer Replacement Plans 11B-2/11C (2-1159).

- * **11. Adopt a Resolution Authorizing the City Manager to Execute a Contract for the Purchase of a Video Imaging Detection System by Piggybacking the City of San Jose Contract with Iteris, Inc. for the Not-to-Exceed amount of \$73,600 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The majority of the City's traffic signals are actuated by video imaging detection systems made by Iteris, Inc. Some of these systems have been deployed in the field for 10 years or more, and Iteris, Inc. is no longer providing technical or maintenance support for these legacy devices. In lieu of complete replacement of the existing video imaging detection systems, the most cost effective solution is to upgrade the unsupported components of the existing systems.

On October 27, 2011, the City of San Jose went out with a Request for Bid for Video Imaging Detection Systems. The contract was awarded to Iteris, Inc. for \$190,000. Due to the City of San Jose's significant contract amount, the City of Milpitas can take advantage of the economies of scale not otherwise available to the City.

The practice of, and requirements for, utilizing a contract bid by another agency are defined and sanctioned under Municipal Code Section I-2-3.07 "Piggyback Procurement." Staff's recommendation to piggyback on the City of San Jose's contract with Iteris, Inc. is in full compliance with those requirements.

Fiscal Impact: None. Funding for this purchase is available from the street maintenance departmental supply budget.

Recommendation: Adopt a resolution authorizing the City Manager to execute a separate contract with Iteris, Inc., selected by the originating agency, the City of San Jose, and incorporate by reference the original solicitation, terms, conditions, and pricing for the not-to-exceed amount of \$73,600.

XIX. BIDS AND CONTRACTS

- * 12. **Award the Bid for On-Call Pavement Striping and Marking at Various City of Milpitas Sites to Chrisp Company for an Annual Not-To-Exceed Amount of \$100,000 and Allow the City Manager to Approve Annual Increases Per Agreement Terms (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The Purchasing Agent worked with the City Traffic Engineer to develop a specification for On-Call Pavement Striping and Marking at Various City of Milpitas locations. The Invitation for Bid was released on February 15, 2013. Seven contractors downloaded the bid from the internet program, but only one bid was received on February 28, 2013. The award is based on the total price of 46 individual street markings, per linear foot, plus a call out charge. The contract is for up to \$100,000 for one year with an option for four additional one-year renewals. Any price increase is based on demonstrated cost increases submitted by the vendor not to exceed 5% annually. The bid was advertised in the local newspaper, on Public Purchase and on the City's website. Only one bidder, Chrisp Company, submitted a total base price of \$1,047.84.

Fiscal Impact: None. The on-call purchase order will not exceed available department operating budget for this purchase.

Recommendations:

1. Approve the award for On-Call Pavement Striping and Marking at Various City of Milpitas locations to Chrisp Company for an annual not-to-exceed amount of \$100,000.
 2. Allow the City Manager to approve annual increases per the terms of the agreement without further action by City Council.
- * 13. **Award the Bid for On-Call Sidewalk Repair, Curbs & Gutters at Various City of Milpitas Sites to JJR Construction, Inc. for an Annual Not-To-Exceed Amount of \$150,000 and Allow the City Manager to Approve Annual Increases Per Agreement Terms (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The Purchasing Agent worked with the City Traffic Engineer to develop a specification for On-Call Sidewalk Repair, Curbs & Gutters at Various City of Milpitas locations. The Invitation for Bid was released on February 15, 2013. Seven vendors downloaded the bid from the internet program, but only one bid was received on February 28, 2013. The award is based on the average price per applied square foot of concrete, on a regular or premium time basis, for nine City Standard Engineering Curb Drawings. The contract is for

one up to \$150,000 for one year with an option for four additional one year renewals. Any price increase is based on demonstrated cost increase submitted by the vendor not to exceed 5% annually. The bid was advertised in the local newspaper, on Public Purchase and on the City's website. Only one bidder, JJR Construction, Inc., submitted a base price regular time of \$31.64 per applied sq. ft. and a base price premium time of \$42.11 per applied sq. ft.

Fiscal Impact: None. The on-call purchase order will not exceed available department operating budget for this purchase.

Recommendations:

1. Approve the award to On-Call Sidewalk Repair Curbs & Gutters at various City of Milpitas locations to JJR Construction, Inc. for an annual not-to-exceed amount of \$150,000.
2. Allow the City Manager to approve annual increases per the terms of the agreement without further action by City Council.

*** 14. Authorize City Manager to Execute an Agreement with Contour Trade Zone LLC (Trumark) for Fee Credit Reimbursement for Public Facilities and Improvements within the Transit Area Specific Plan (Staff Contacts: Steve McHarris, 408-586-3273 and Felix Reliford, 408-586-3071)**

Background: Chapter 4 of Title VIII of the Milpitas Municipal Code (Fees for New Development) establishes the procedures for collection of developer impact fees and funds as part of the infrastructure improvements. Section 66485-66487 of the Subdivision Map Act further authorizes the City to enter into reimbursement agreements to defray a developer's costs in "oversizing" facilities (i.e. constructing facilities of supplemental size, length or capacity over the needed for the impacts of the development, and when such construction is necessary to ensure efficient and timely construction of the facilities network).

On November 15, 2011, City Council adopted Resolution No. 8136 approving the Trumark Companies-Contour/Pace residential project which requires the developer to pay Transit Area Specific Plan (TASP) developer impact fees to defray all or a portion of the costs of sewer facilities and to mitigate other impacts of the project. Based on the Council's recent approval of the TASP Fee adjustment, Contour Trade Zone LLC is required to pay \$3,887,608 (134 units x \$29,012/per unit) impact fee based on its project. These impact fees include Montague Expressway Post-Widening, Recycled Water System, and construction of Sewer Lines 11B/11C.

Since the dissolution of the Redevelopment Agency, the City no longer has the ability to finance large infrastructure projects such as Sewer Line 11B/11C. Therefore, the developers within TASP have agreed to construct the sewer lines and other required public facilities and improvements, subject to future reimbursement from the TASP Fees collected by the City.

Contour Trade Zone LLC is requesting reimbursement in the amount of \$1,907,200. The majority of the reimbursement costs are for the construction of Sewer Lines (\$1,510,442) and Recycled Water System (\$328,079). After deductions from the reimbursement fee credits, the developer will be required to pay the City \$1,980,408, the remaining balance due. Included in the Council's agenda packet are exhibits itemizing the costs of the reimbursement fee costs and credits and the contract agreement.

Fiscal Impact: None.

Recommendation: Authorize City Manager to execute an agreement with Contour Trade Zone LLC for fee credit reimbursement in the amount of \$1,907,200 for TASP Public Facilities and Improvements.

- * 15. **Approve and Authorize the City Manager to Execute an Agreement with Bellinger Foster Steinmetz Landscape Architecture for Pinewood Park Renovation Project No. 5096 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Renovation of Pinewood Park is Project No. 5096 in the approved Capital Improvement Program. Through the City's consultant selection process, staff selected Bellinger Foster Steinmetz Landscape Architectures to provide the design services for the Pinewood Park Renovation. The work consists of professional design services to produce plans, specifications, and construction support for the park renovation project. Park improvements will include a new group picnic area, renovating existing picnic areas, rehabilitating the irrigation and lighting systems, landscaping, and other upgrades to comply with safety and Americans with Disabilities Act standards. Staff negotiated a scope and fee for these services not to exceed \$250,000, 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 Bellinger Foster Steinmetz Landscape Architecture, in the amount of \$250,000 for Project No. 5096, subject to approval as to form by the City Attorney.

- * 16. **Approve Purchase and Installation of a Telescoping Boom for the Vactor Sewer Truck for an Amount not to exceed \$25,000 and Approve a Budget Appropriation (Staff Contact: Kathleen Phalen, 408-586-3345)**

Background: On December 6, 2011, the City Council approved purchase of a new Vactor sewer cleaning truck. The City received the new Vactor truck over the winter, and now recommends adding a telescoping boom to improve the Vactor's utility and efficiency in accessing sewer manholes and other drainage facilities located off the roadway. Owen Equipment Sales, the sole authorized Vactor dealer in Northern California, submitted an estimate of \$22,500 to install the telescoping boom, including parts, labor, and sale tax. Staff recommends approving a contingency of \$2,500 for this purchase to allow for payment of any unforeseen parts or labor costs.

Fiscal Impact: A budget appropriation in the amount of \$25,000 from the Sewer Fund into the Public Works Utilities Budget is needed for this purchase.

Recommendations: Approve the purchase of telescoping boom for the Vactor sewer truck for an amount not to exceed \$25,000, and approve a budget appropriation.

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, APRIL 2, 2013 AT 7:00 P.M.**