



**MILPITAS CITY COUNCIL AGENDA  
TUESDAY, AUGUST 20, 2013**

**455 EAST CALAVERAS BLVD, MILPITAS, CA  
7:00 P.M.**

**SUMMARY OF CONTENTS**

- I. CALL TO ORDER/ROLL CALL by the Mayor (7:00 p.m.)**
- II. PLEDGE OF ALLEGIANCE**
- III. INVOCATION (Councilmember Gomez)**
- IV. APPROVAL OF COUNCIL MEETING MINUTES – August 6, 2013**
- V. SCHEDULE OF MEETINGS – COUNCIL CALENDARS – August and September 2013**
- VI. PRESENTATION Recognition of SAFE Team Leaders**
- VII. 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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- VIII. ANNOUNCEMENTS**
- IX. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- X. APPROVAL OF AGENDA**
- XI. 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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- XII. UNFINISHED BUSINESS**
  - 1. Receive Progress Report on the Bay Area Rapid Transit Extension Project (Staff Contact: Jeff Moneda, 408-586-3345)**
- XIII. NEW BUSINESS**
  - 2. Consider an Agreement Between SJB Child Development Centers (SJB) and the City of Milpitas for Use of the Milpitas Teen Center Building as a Family Resource Center (Staff Contacts: Jaime Chew, 408-586-3234 and Tom Williams, 408-586-3050)**

- \* 3. Consider Request from Fil-Am Association of Milpitas to Waive Fees for Adobo Festival to be held August 31 and September 1, 2013 at Milpitas Sports Center (Staff Contact: Mary Lavelle, 408-586-3001)
- \* 4. Consider Request from St. John the Baptist Catholic Church to Waive Fees for Autumn Festival to be held September 6-8, 2013 on Church Grounds (Staff Contact: Mary Lavelle, 408-586-3001)

#### **XIV. RESOLUTIONS**

- \* 5. Adopt a Resolution Granting Final Acceptance of and Releasing Subdivision Improvement Bond for Paragon Residential Project No. 3204, Tract No. 9775 (Staff Contact: Ebby Sohrabi, 408-586-3335)
- \* 6. Adopt a Resolution Approving the Annual Investment Policy (Staff Contact: Emma Karlen, 408-586-3145)
- \* 7. Adopt a Resolution Approving the Memorandum of Understanding with the Milpitas Employees Association and Approve the Side Letter Agreement Regarding the LIUNA National Pension Fund (Staff Contact: Carmen Valdez, 408-586-3086)
- \* 8. Adopt a Resolution Authorizing the City Manager to Execute the Software Maintenance Contract Renewal with Tritech Software System in the Amount of \$97,765.54 and Subsequent Annual Renewals Based on CPI Adjustments (Staff Contact: Chris Schroeder, 408-586-3161)
- \* 9. Adopt a Resolution Adding One Secretary Position and Eliminating One Office Specialist Position in the Planning and Neighborhood Services Department (Staff Contact: Steven McHarris, 408-586-3273)

#### **XV. CONTRACTS**

- \* 10. Approve and Authorize the City Manager to Execute Amendment No. 4 to the Agreement with CalRecovery, Inc. for Solid Waste Consulting Services by Increasing Compensation by \$20,000 (Staff Contact: Jeff Moneda, 408-586-3345)
- \* 11. Approve Amendment No. 5 to the Agreement with Gachina Landscape Management, Inc. for the Civic Center and Library Landscape Maintenance Service by Increasing the Contract Total to \$38,221 for Year Two and \$36,744 for Years Three through Five (Staff Contact: Chris Schroeder, 408-586-3161)
- \* 12. Approve Amendment No. 8 to the Agreement with Jensen Landscape Services, Inc. for McCarthy Ranch Landscape Maintenance Services Increasing the Contract Total to \$261,923 through Year Three and \$72,879 for Years Four and Five (Staff Contact: Chris Schroeder, 408-586-3161)

#### **XVI. DEMANDS**

- \* 13. Receive Report of Emergency Repair of the Marylinn Drive Sewer Main, Approve a Budget Appropriation from the Sewer Fund, and Authorize Staff to Pay Preston Pipelines and Presidio Systems for Emergency Repairs in an Amount not to Exceed \$40,000 (Staff Contact: Jeff Moneda, 408-586-3345)

- \* 14. **Approve Payment to Peelle Technologies for Annual Software/Hardware Maintenance for Document Imaging for One Year, Not-To-Exceed \$23,801 (Staff Contact: Chris Schroeder, 408-586-3161)**

**XVII. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, SEPTEMBER 3, 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 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)

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 at 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](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

### **XII. UNFINISHED BUSINESS**

- 1. Receive Progress Report on the Bay Area Rapid Transit Extension Project (Staff Contact: Jeff Moneda, 408-586-3345)**

**Background:** At the August 20, 2013 City Council meeting, the Program Manager from Santa Clara Valley Transportation Authority (VTA) will present a 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 Berryessa Station to be constructed in San Jose. The project is entering the second year of the four-year major construction phase. Construction activities include relocating municipal utilities, constructing street improvements, constructing the rail extension, and building the stations and campuses. This presentation will include a brief overall Project Overview along with a presentation of the aesthetic designs for the Station/Campus in Milpitas.

**Fiscal Impact:** None.

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

### **XIII. NEW BUSINESS**

- 2. Consider an Agreement Between SJB Child Development Centers (SJB) and the City of Milpitas for Use of the Milpitas Teen Center Building as a Family Resource Center (Staff Contacts: Jaime Chew, 408-586-3234 and Tom Williams, 408-586-3050)**

**Background:** SJB and the Health Trust are contractors funded through First 5 Santa Clara County ("First 5") for the purpose of operating Family Resource Centers throughout the County. First 5 was established in 1998 with the passage of California Proposition 10 and is funded by a tax on tobacco. This revenue is managed by First 5 and used to provide programs that focus on a child's early development in the areas of health, education, social/emotional development and safety during the first five years of a child's life. First 5, in partnership with the Health Trust and SJB, approached the City seeking to establish a Family Resource Center (FRC) within the City of Milpitas.

City staff worked closely with representatives from First 5, the Health Trust and SJB to identify and locate possible opportunity sites for a Family Resource Center. After review of several site locations, it was agreed by the delegation and City staff that the building on the south side of the Milpitas Sports Center, previously the Teen Center, would be an ideal location. First 5 will provide funding to SJB and the Health Trust (two non-profit organizations) for operating and staffing the Milpitas Family Resource Center. Services proposed include but are not limited to free school readiness, health, and language development information to families with children prenatal through age five. First 5's objective is to increase the capacity of families within the City to help ensure children inclusive of participation by their families, caretakers, or legal guardians are healthy and prepared to enter school.

The primary operator of the Milpitas Family Resource Center will be SJB, which in turn will use professional resources such as counselors from the Health Trust. As such, the proposed lease agreement requested by First 5 will actually be consummated solely with SJB, again a contractor to and funded by First 5. Funding allocated by First 5 to SJB and the Health Trust is for two years – through June 30, 2015 and totals \$231,000 or \$115,000 per annum for the Milpitas Family Resource Center. As such, First 5 has requested the City enter into a short term property use agreement/lease for a portion of the property located at 1325 E. Calaveras Blvd known as the Teen Center.

It should be noted that City staff notified First 5, SJB and the Health Trust that this property was transferred from the Milpitas Redevelopment Agency to the City in 2011. The State Controller and Milpitas Oversight Board (a majority of which is made up of County staff personnel) have notified the City that they believe the asset transfer was invalid and the property should be returned to the Successor Agency-the Milpitas Redevelopment Agency as a result of retroactive provisions found in AB1x26 and AB 1343 related to the dissolution of redevelopment. The City disputes this and the parties are currently involved in litigation. First 5, SJB and the Health Trust acknowledge the existence of the pending dispute and understand the City may have to terminate any agreement prior to the expiration of the term of the proposed agreement.

In review of the request by First 5, City staff proposed a lease rate of \$.55/sq.ft. This rate is consistent with rates charged to other non-profits located in City-owned facilities. In response to the proposed lease, First 5 - in association with SJB and the Health Trust - is seeking to reduce its operational cost to the greatest extent possible and is requesting a write-down of the lease to a dollar per year as well as an additional \$1,500 in offsets for building permits and inspections. Although the Family Resource Center will provide tremendous community benefit, City staff including the City Manager does not have the authority to waive costs or write down lease terms as requested; only the City Council has the ability to approve such requests. In general, the provisions of the proposed agreement include the following:

- Lease Term - Commences on August 20, 2013 and expires on June 30, 2015.
- Base Monthly Rent - \$1,361.25 per month.
- Condition of Premises – SJB will lease the premises in its “As Is” condition.
- Shared Cost – SJB will pay all costs and expenses relating to the Teen Center including water, gas, electricity, sewer, janitorial and other costs associated with the Teen Center. Shared cost for water, gas, electricity, and garbage disposal agreed upon is \$650.00 per month.
- Hours of operation – SJB may use the premises during normal business hours: Monday through Friday from 8:00 am – 5:30 pm, with occasional evening and weekends.
- SJB must meet the insurance requirement satisfactory to the City’s risk manager.
- City will provide certain tenant improvements at no cost to SJB: paint first floor interior of the Teen Center, change locks to doors, install safety card key entry to doors leading to restrooms and pool, and install an exterior sign provided by SJB.

**Recommendation:** Consider agreement with SJB Child Development Centers commencing on August 20, 2013 and expiring June 30, 2015 for the use of the Milpitas Teen Center facility for a Family Resource Center and write down the rent amount of \$1,361.25 per month (\$.55/sq.ft) to \$1.00/year; plus waiver of building permit and inspections fees up to \$1,500.

- \* 3. **Consider Request from Fil-Am Association of Milpitas to Waive Fees for Adobo Festival to be held August 31 and September 1, 2013 at Milpitas Sports Center (Staff Contact: Mary Lavelle, 408-586-3001)**

**Background:** In late July, the City Clerk received a “Donation or Fee Waiver/Reduction Request Application Form” from Fil-Am Association of Milpitas. The request is for the City Council to waive City fees for the upcoming “Adobo Festival” to be held on the grounds of the playing field at the Milpitas Sports Center. The location has been reserved and deposit fees paid in the amount of \$520 toward the \$1,000 cost for site rental. City fees to be incurred include a building permit for electrical inspection of the site when set up (\$167.05), Fire Inspection permit fees (\$2,081.77), and Special Events permit fee (\$250) from Planning Department.

Per adopted Council policy, staff overtime costs may not be waived, and thus, fees that might be considered to be waived would be: Temporary Assembly Fire Permit (\$1312), Archive fee (\$25) and Building Permit (\$167.05), totaling \$1,504.05.

**Fiscal Impact:** \$20,000 was approved and included in the FY 2013-14 City budget for City Council's Unallocated Community Promotions. If this request is approved, then \$18,000 would be the remaining balance.

**Recommendation:** Move to approve fee waiver up to \$1,500 maximum covering Fire and Building City fees related to Fil-Am Association Adobo Festival, scheduled August 31, 2013 and September 1, 2013.

- \* 4. **Consider Request from St. John the Baptist Catholic Church to Waive Fees for Autumn Festival to be held September 6-8, 2013 on Church Grounds (Staff Contact: Mary Lavelle, 408-586-3001)**

**Background:** The City Clerk received a "Donation or Fee Waiver/Reduction Request Application Form" from St. John the Baptist Catholic Church on August 9. Volunteers for the Festival committee have applied for a Special Event Permit from the City, and the event will be considered separately for approval by the Planning Commission Subcommittee. At this time, the church is requesting that the City Council waive fees charged to St. John to put on its annual Autumn Festival.

City Fees charged to the church for Autumn Festival include:

Special Event permit application – Planning Dept.	\$ 250.00
Fire Marshal inspection permit + fees:	\$ 1,343.77
Electrical Permit from building inspector	\$ 167.05

**Fiscal Impact:** \$20,000 was approved and included in the FY 2013-14 City budget for City Council's Unallocated Community Promotions. If the current donation (and the one above for Adobe Festival) request is approved, then \$16,500 would be the remaining balance.

**Recommendation:** Consider the request from St. John the Baptist Catholic Church and move to waive Fire and Building inspection fees up to \$1,500 maximum for those City fees related to Autumn Festival on the weekend of September 6, 7, and 8, 2013.

#### XIV. RESOLUTIONS

- \* 5. **Adopt a Resolution Granting Final Acceptance of and Releasing Subdivision Improvement Bond for Paragon Residential Project No. 3204, Tract No. 9775 (Staff Contact: Ebby Sohrabi, 408-586-3335)**

**Background:** On April 3, 2012, City Council adopted Resolution No. 8170 approving the initial acceptance of the public improvements valued at approximately \$800,000 for Paragon Townhomes, constructed by Western Pacific Housing (D.R. Horton). Western Pacific Housing (D.R. Horton) completed the corrective work on defects, damages, or imperfections for the one-year warranty, and therefore is ready for the final acceptance.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution granting final acceptance of and releasing subdivision improvement bond for Paragon Townhomes, Project No. 3204.

- \* 6. **Adopt a Resolution Approving the Annual Investment Policy (Staff Contact: Emma Karlen, 408-586-3145)**

**Background:** Investment laws require all local agencies to develop an annual investment policy that must be considered by the legislative body of the local agency at a public meeting. The Annual Investment Policy (the Policy) for the City of Milpitas is submitted for Council review and approval. Finance staff continues to monitor changes to California Government Code in

regards to investment parameters and allowable investments that may impact the City's investment policy.

Staff proposes two minor changes to the Investment Policy:

- 1) Competitive Bidding – The Policy requires at least three bidders on the purchase and sale of non- “new issue” securities. Staff proposes to add an exception to exclude competitive bidding for the purchase and sale of U.S. Treasury securities. While it is advantageous to obtain at least three quotes on the purchase or sale of all other securities because of price variations that one may receive from different brokers/dealers, the price of U.S. Treasury securities is standard and does not vary. Staff proposes to add “with the exception of U.S. Treasury securities” to the Investment Parameters Competitive Bidding Section on page 4 of the Policy to eliminate this requirement for the purchase and sale of U.S. Treasury securities.
- 2) Modify the maturity limitation from two years to five years for Negotiable Certificates of Deposit investment. The State Law allows investment in securities not to exceed five years maturity. The City's Investment Policy was more conservative and further restricted the maturity limit to two years for Negotiable Certificates of Deposit. Unlike non-negotiable Certificates of Deposit which are essentially time deposits, negotiable Certificates of Deposit are readily marketable and can be sold if necessary. The current two years maturity requirement limits the City's opportunity to obtain better yields in investing in negotiable Certificates of Deposit that have longer maturity. Staff proposes to change the two years limit to five years in the Authorized Investments Negotiable Certificates of Deposit Section on page 6 and Maximum Investment Maturity and Percentage Section on page 8 of the Investment Policy.

The Policy is in compliance with the provisions of California Government Code Sections 16429.1-16429.4 and 53600-53610, the authority governing investments for municipal governments.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution of the City of Milpitas approving the Annual Investment Policy.

- \* **7. Adopt a Resolution Approving the Memorandum of Understanding with the Milpitas Employees Association and Approve the Side Letter Agreement Regarding the LIUNA National Pension Fund (Staff Contact: Carmen Valdez, 408-586-3086)**

**Background:** The most recent Memorandum of Understanding (MOU) with the Milpitas Employees Association (MEA) expired on December 31, 2012. City representatives and representatives from MEA met and conferred in good faith to negotiate a new contract and a side letter agreement for the Laborers International Union of North America (LIUNA) National Pension Fund. Agreement was reached with a new successor Memorandum of Understanding with effective date of January 1, 2013 to December 31, 2013. Copies of the MOU and Side Letter Agreement are included in the Council agenda packet and are on file in the City Clerk's office.

**Fiscal Impact:** This is a one year contract with approximately five months remaining, with the cost for the remaining five months of \$65,000.

**Recommendations:**

1. Adopt a resolution approving Memorandum of Understanding with the Milpitas Employees Association (MEA) covering the period of January 1, 2013 through December 31, 2013.
2. Authorize the City Manager to execute a Side Letter Agreement with MEA regarding the LIUNA National Pension Fund.

- \* **8. Adopt a Resolution Authorizing the City Manager to Execute the Software Maintenance Contract Renewal with Tritech Software System in the Amount of \$97,765.54 and Subsequent Annual Renewals Based on CPI Adjustments (Staff Contact: Chris Schroeder, 408-586-3161)**

**Background:** City and Tritech Software Systems, Inc. entered into an agreement on October 21, 2003 for Computer Added Dispatching software. Tritech Software Systems has been the backbone of the Police and Fire Main computer systems since 2003. The system is proprietary and only Tritech can provide annual software maintenance services to the system. The current software maintenance term expires on August 31, 2013 and as part of the original agreement, software maintenance renewal is subject to annual agreement between the parties. Staff recommends adoption of a resolution authorizing the software maintenance renewal from September 1, 2013 to August 31, 2014 in the amount of \$97,765.54 with the ability for staff to exercise up to four (4) subsequent annual renewals with annual software maintenance fee increases based on the national CPI index, subject to funding appropriation by the City Council and no other City Council approval required. It should be noted that the national CPI has ranged from 1% to 3% over the previous few years.

**Fiscal Impact:** None. Funding for this purchase is available from the Information Services operating budget for FY 2013-14.

**Recommendations:**

1. Adopt a resolution authorizing the City Manager to execute the software maintenance contract renewal with Tritech Software Systems, Inc. from September 1, 2013 to August 31, 2014 in the amount of \$97,765.54.00; and
  2. Authorize the City manager to exercise up to four (4) annual options with annual fee increases based on the national CPI, subject to appropriation of funds and without further City Council approval.
- \* **9. Adopt a Resolution Adding One Secretary Position and Eliminating One Office Specialist Position in the Planning and Neighborhood Services Department (Staff Contact: Steven McHarris, 408-586-3273)**

**Background:** The current economic recovery has resulted in a substantial increase in planning and building service activity within the Planning & Neighborhood Services Department. Calls for service regarding planning, zoning, code enforcement, housing, and enforcement are also on the rise. At present, the Department operates with one Office Specialist that provides basic clerical duties to the entire department. This position will be vacated due to an interdepartmental reassignment effective August 19, 2013. The Department Director proposes to eliminate the vacant Office Specialist position and establish a new Secretary position. The Secretary position will provide the ability to recruit an individual with more advanced skill sets, not only related to clerical, but also with professional organization skills, department coordination and liaison skills that will assist the Department Director and mid-managers in their daily management and work flow activities.

This position would serve as Secretary to the Director of Planning & Neighborhood Services and would include administrative support duties as those relate to budget tasks, files and records, customer service, preparing meeting notes and minutes for Commissions and Boards, maintaining appointment schedule and calendars, arrange meetings, conferences and travel arrangements, purchasing, personnel activities, compile data, prepare reports and special documents as assigned, handling service request from the public, monitor expenditures, establishing relationships with internal staff, officials, dignitaries, etc. The Secretary position would also provide skills and knowledge with various software programs such as Microsoft Word, Excel, PowerPoint, and other office programs related to equipment.

This position will assist the Director of Planning and Neighborhood Services and mid-managers with day-to-day management and organization of the department and allow the director to serve more effectively, independent from the day-to-day routine administrative duties.

**Fiscal Impact:** There will be no fiscal impact. There is funding available in the Department's FY 2013-14 operating budget.

**Recommendation:** Adopt a resolution authorizing a request to add one Secretary position and eliminating one Office Specialist position in the Planning & Neighborhood Services Department.

## XV. CONTRACTS

- \* 10. **Approve and Authorize the City Manager to Execute Amendment No. 4 to the Agreement with CalRecovery, Inc. for Solid Waste Consulting Services by Increasing Compensation by \$20,000 (Staff Contact: Jeff Moneda, 408-586-3345)**

**Background:** The City has an on-call contract with CalRecovery to provide expert consulting services for odor issues and other solid waste related matters. CalRecovery is currently working on issues related to the Newby Island landfill expansion Environmental Impact Report. To continue CalRecovery's support, staff recommends increasing the contract amount by \$20,000 for a total contract value not to exceed \$69,000.

**Fiscal Impact:** None. There are sufficient funds available in the FY 2013-14 Engineering operating budget.

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 4 to the contract with CalRecovery Inc. for solid waste consulting services by increasing compensation in the amount of \$20,000, for a total not-to-exceed \$69,000.

- \* 11. **Approve Amendment No. 5 to the Agreement with Gachina Landscape Management, Inc. for the Civic Center and Library Landscape Maintenance Service by Increasing the Contract Total to \$38,221 for Year Two and \$36,744 for Years Three through Five (Staff Contact: Chris Schroeder, 408-586-3161)**

**Background:** On September 21, 2011, Gachina Landscape Management, Inc. was awarded a three year contract with two one year options to provide landscape maintenance service for the Civic Center and the Library. The contract is based on an award of \$30,620 per year and, over time, has increased to \$34,713.48 with various amendments. Amendment No. 5 expands the scope of the contract to include annual plantings at City Hall and the Senior Center that were not contemplated in the original agreement. This will increase the total value of the five year contract to an amount not to exceed \$180,392.

**Fiscal Impact:** None. This is a programmed expense approved in the FY 2013-14 budget for Public Works.

**Recommendation:** Approve Amendment No. 5 to the Agreement with Gachina Landscape Management, Inc. for the Civic Center, Library Landscape Maintenance Service increasing the contract total to \$38,221 for year two, and \$36,744 for years three through five for a total contract amount not to exceed \$180,392.

- \* 12. **Approve Amendment No. 8 to the Agreement with Jensen Landscape Services, Inc for McCarthy Ranch Landscape Maintenance Services Increasing the Contract Total to \$261,923 through Year Three and \$72,879 for Years Four and Five (Staff Contact: Chris Schroeder, 408-586-3161)**

**Background:** On August 30, 2010, the City Council awarded Jensen Landscape Service, Inc. a three-year contract with two one-year options to provide landscape maintenance service in the McCarthy Ranch Landscape and Lighting Maintenance District 95-1. The contract is based on an award of \$62,879 per year, totaling \$188,637 for three years. The contract amount was increased over time by various amendments to \$247,895 to pay for irrigation repairs and plant replacement not covered by the original scope of work. Amendment No. 8 will further increase the contract amount by \$14,028 to cover current contract year's unforeseen incidental irrigation repairs and annual plantings. In the last two option years, staff proposes that the contract amount be increased by \$10,000 in each year to cover incidental repairs.

**Fiscal Impact:** None: This is a programmed expense approved in the FY 2013-14 budget for the McCarthy Ranch Landscape Maintenance District No. 95-1.

**Recommendation:** Approve Amendment No. 8 to the Agreement with Jensen Landscape Services, Inc. for McCarthy Ranch Landscape Maintenance Services, increasing the contract total to \$261,923 from August 30, 2010 to August 29, 2013 and \$72,879 for each of the remaining two years of the contract.

## XVI. DEMANDS

- \* 13. **Receive Report of Emergency Repair of the Marylinn Drive Sewer Main, Approve a Budget Appropriation from the Sewer Fund, and Authorize Staff to Pay Preston Pipelines and Presidio Systems for Emergency Repairs in an Amount not to Exceed \$40,000 (Staff Contact: Jeff Moneda, 408-586-3345)**

**Background:** Per Council Resolution No. 7779 and Public Contracts Code Section 22050, the Director of Public Works must report all emergency public works repairs he ordered to the City Council. At about 11:00 a.m. on July 19, 2013, a 27-inch diameter reinforced concrete sewer main on Marylinn Drive collapsed at the intersection of Heath Street. The sewer main serves approximately 25% of the customers within the City and is one of only four crossings under Interstate 880. Public Works crews responded and identified the segment of collapsed pipe and closed the intersection to traffic.

Due to the size of the repair and the necessity to maintain sewer flow, the Director of Public Works authorized Preston Pipeline to make the repairs immediately rather than soliciting competitive bids from various contractors. Preston mobilized a crew by 4:00 p.m. and worked through the next two days with City crews to maintain sewer service to residents and businesses. In addition to the repairs, the sewer main needed to be cleaned and flushed to remove debris that had fallen into the line. The Director of Public Works authorized Presidio Systems on July 25, 2013 to perform the cleaning, flushing and video inspection of the line to determine if there were any other segments of the line that were damaged. The City's 2013 Street Resurfacing contractor who was working within the neighborhood, was directed by contract change order to complete the necessary street repairs associated with this work, which have been completed. Preston Pipelines and Presidio Systems have not submitted invoices for this work, but based on its known deployment of workers and equipment, cost is not expected to exceed \$40,000. This repair is temporary and subsequent sewer work will be necessary.

The Marylinn Drive reinforced concrete sewer main was installed in 1953 and is reaching the end of its design life. Engineering is adding the segment of sewer main from Abbott Avenue to the westside of Interstate 880 for replacement within the Sewer Replacement Projects in the current Capital Improvement Program, and the design will start in the fall. This project is categorically exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines for restoration or rehabilitation of deteriorated or damaged structures.

**Fiscal Impact:** An appropriation from the Sewer Fund in the amount of \$40,000 is needed due to insufficient funds in Public Works operating budget for this emergency work.

**Recommendations:**

1. Receive this report from the Public Works Director for emergency public works repair to the sewer main on Marylenn Drive.
  2. Approve a budget appropriation of \$40,000 from the Sewer Fund to the Public Works operating budget.
  3. Authorize staff to pay invoices for emergency repair work to Preston Pipelines and Presidio Systems in an amount not to exceed \$40,000.
- \* 14. **Approve Payment to Peelle Technologies for Annual Software/Hardware Maintenance for Document Imaging for One Year, Not-To-Exceed \$23,801 (Staff Contact: Chris Schroeder, 408-586-3161)**

**Background:** In 2004, City staff went through a competitive process and evaluated document imaging software and hardware from a variety of different companies. Peelle Technologies was determined to have the best value for the City. Since then, the City also purchased Peelle's Kofax Ascent Capture software and two Fujitsu scanners to support the internal document imaging work performed by staff. Peelle Technologies is the only source for maintenance and support of its hardware and software, and staff therefore recommends payment of the Renewal Agreement. The renewal covers the period from June 28, 2013 to June 28, 2014.

**Fiscal Impact:** None. Funding for this purchase is available from the Information Services operating budget for FY 2013-14.

**Recommendation:** Approve renewal of the annual Peelle Technologies Software/Hardware Maintenance Agreement for one year from June 28, 2013 to June 28, 2014 for the not-to-exceed amount of \$23,801.

**XVII. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, SEPTEMBER 3, 2013 AT 7:00 P.M.**