



MILPITAS CITY COUNCIL AGENDA
TUESDAY, JANUARY 21, 2014
455 EAST CALAVERAS BOULEVARD, 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, EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(a)
City of Milpitas v. City of San Jose, Santa Clara County Superior Court case no. 112CV233069
 - 2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to California Government Code §54956.8
Property: Assessor's Parcel Number 22-29-036
Person Negotiating: Tom Williams
Under Negotiation: Real Property Disposition
- 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 Montano)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – January 7, 2014**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS – January and February 2014**
- VIII. PRESENTATION**
 - Commending Members of the Community Advisory Commission's Green Tree Subcommittee
- IX. PUBLIC FORUM**

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

- X. ANNOUNCEMENTS**
- XI. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- 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. REPORTS OF MAYOR AND COMMISSIONS

- * 1. Consider Mayor's Recommendation for Appointments and Reappointment to the Milpitas Planning Commission (Contact: Mayor Esteves, 408-586-3029)
- * 2. Consider Mayor's Recommendation for Appointments and Reappointments to City of Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)

Parks, Recreation, and Cultural Resources Commission:

- * 3. Approve Park & Recreation Donation from the Milpitas Historical Society to the City of Milpitas (Staff Contact: Jaime Chew, 408-586-3234)
- * 4. Approve Amendment to the Field Allocation Process and Priorities as Recommended by the Parks, Recreation and Cultural Resources Commission (Staff Contact: Jaime Chew, 408-586-3234)

Library Advisory Commission:

- * 5. Approve Placement of Plaque in Milpitas Public Library (Staff Contact: Sheldon AhSing, 408-586-3278)

XV. NEW BUSINESS

- 6. Receive Presentation by California Polytechnic University Faculty and City staff on the California Circle and Main Street Study Areas for Pre-Planning Insight, Vision and Urban Design Concepts (Staff Contact: Scott Ruhland, 408-586-3274)

XVI. RESOLUTIONS

- * 7. Adopt a Resolution Approving Community Advisory Commission Tree Planting Program (Staff Contact: Felix Reliford, 408-586-3071)
- * 8. Adopt a Resolution Amending the Classification Plan to Adjust Salary Ranges for City of Milpitas Unrepresented Classifications (Staff Contact: Carmen Valdez, 408-586-3086)
- 9. Adopt a Resolution Approving the 2014 Cost Allocation Plan (Staff Contact: Emma Karlen, 408-586-3145)

XVII. AGREEMENTS

- * 10. Approve Amendment No. 1 to the Consulting Services Agreement with Vali Cooper & Associates, Inc. for an additional \$75,000 to Continue Support on the Silicon Valley Rapid Transit Program Berryessa BART Extension Project No. 4265 (Staff Contact: Jeff Moneda, 408-586-3345)
- * 11. Authorize City Manager to Execute the First Amendment to the Agreement with CSG for an Additional \$116,800 Annually for Fire Department Plan Review & Inspection Services (Staff Contact: Albert Zamora, 408-586-3371)

XVIII. DEMAND

- * 12. **Receive Report of Emergency Repair to the Milpitas Community Center Auditorium, and Authorize Staff to Pay Emergency Repair Work Invoices in an Amount not to Exceed \$80,661.00 (Staff Contact: Jeff Moneda, 408-586-3345)**

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULE COUNCIL MEETING
TUESDAY, FEBRUARY 4, 2014 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 / 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 SERVE ON A CITY COMMISSION

Current vacancies exist on the:
Recycling and Source Reduction Advisory Commission
Sister Cities Commission
Telecommunications Commission

Commission application forms are available online at 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 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. REPORTS OF MAYOR AND COMMISSIONS

- * 1. **Consider Mayor's Recommendation for Appointments and Reappointment to the Milpitas Planning Commission (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following reappointments and appointments to the Planning Commission:

Reappoint Mr. Sudhir Mandal as a regular member to a term that will expire in December 2016.
Appoint Ms. Demetress Morris (currently Alternate Member) as a full, voting member to a term that will expire in December 2016.
Newly appoint Mrs. Hon Lien as Alternate Member to a term that will expire in December 2015.

Copies of the application from Mrs. Lien and other applicants are included in the agenda packet.

Recommendation: Receive Mayor's recommendations and move to approve two appointments and one reappointment to the Milpitas Planning Commission.

- * 2. **Consider Mayor's Recommendation for Appointments and Reappointments to City of Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following appointments to Commissions:

Emergency Preparedness Commission:

Appoint Nasir Lalani (currently Alternate No. 1) to a regular member to a term that will expire in June 2015.

Appoint Evelyn Chua (currently Alternate No. 2) to Alternate No. 1 to a term that will expire in June 2015.

Newly appoint Jonathan Nakapalau as Alternate No. 2 to a term that will expire in June 2015. A copy of his application is included in the agenda packet.

Senior Advisory Commission:

Reappoint Karen Adams as a regular member to a term that will expire in December 2015.

Telecommunications Commission:

Reappoint Niranjana Gupta as a regular member to a term that will expire in January 2016.

Recommendation: Receive Mayor's recommendations and move to approve appointments and reappointments to three City of Milpitas Commissions.

Parks, Recreation, and Cultural Resources Commission:

- * 3. **Approve Park & Recreation Donation from the Milpitas Historical Society to the City of Milpitas (Staff Contact: Jaime Chew, 408-586-3234)**

Background: At the December 2, 2013 Parks, Recreation & Cultural Resources Commission (PRCRC) meeting, the Commission reviewed the Parks & Recreation Donation Application submitted by the Milpitas Historical Society. The organization requests to donate two pieces of original farm equipment to the Alviso Adobe Park in honor of Mabel Mattos. PRCRC reviewed the application and recommended approval to the City Council. As part of PRCRC's recommendation, Commissioners would like to highlight that Mabel Mattos:

1. was a resident of Milpitas since 1934 and a valuable member of her church, the Green Thumb Garden Club and the Milpitas Historical Society;
2. was a founding member of the Milpitas Community Museum; and,
3. was an active member in the Historical Society by participating as the newsletter co-publisher, Vice President, Hospitality Director and Membership Director.

Fiscal Impact: None. The Milpitas Historical Society will provide the equipment.

Recommendation: Approve and accept the donation from the Milpitas Historical Society to the City of Milpitas of historical farm equipment for the Alviso Adobe Park in honor of long time resident Mabel Mattos.

- * 4. **Approve Amendment to the Field Allocation Process and Priorities as Recommended by the Parks, Recreation and Cultural Resources Commission (Staff Contact: Jaime Chew, 408-586-3234)**

Background: Current Field Allocation Process and Priorities are as follows:

- a. **Tier 1:** All programs administered or sponsored by the City of Milpitas Recreation
Tier 2: Youth and sanctioned organizations and/or groups comprised of 75% Milpitas residents.
Tier 3: Organizations and/or groups comprised of less than 75% Milpitas Residents are required to pay a full rental fee to be allocated use of the sports field.
- b. There was a 3 year approach to increasing the required percentage of Milpitas residency.
 - i. 51% in 2012
 - ii. 63% in 2013
 - iii. 75% in 2014

In addition, all youth sport groups must adhere to the following specifications:

- c. The City will give field allocation priority to the sport in season.
- d. The City will allocate fields according to age groups appropriate for field usage.
 - i. Age appropriateness of the fields will be predetermined by the City.
- e. The percentage of residents will be determined by the average of the previous three year's season rosters.
- f. Recreation Services will pre-determine a calendar, per season, that will show a breakdown of: field maintenance, available fields, and times for age groups.
- g. Recreation Services will continue to administer the Youth Sports User Group Fee of \$10 per player, per season, per sport.
 - i. Rosters will be required mid season so that the youth groups can be invoiced.
 - ii. Fees must be paid in full prior to new field allocations being approved.
- h. For regular season play, it will be required that a Milpitas based team be playing on allocated fields.
 - i. This does not apply for tournaments.

At the request of the Milpitas Youth Soccer Club (MYSC), the Parks, Recreation, and Cultural Resources Commission (PRCRC) reviewed the Field Allocation Process and Priorities at its November 4, 2013 meeting. MYSC's main concern was the 75% Milpitas residency required in 2014. MYSC indicated that this high percentage would create a hardship for their club.

After hearing all comments and reviewing all data, PRCRC voted to recommend to the City Council to reduce the required Milpitas residency from 75% to 51%.

Since the high requirement for Milpitas residency will create a hardship for most of the youth sport users, staff is supporting PRCRC's recommendation to reduce the requirement from 75% to 51%. This will also place Milpitas in alignment with requirements in neighboring cities. In

addition, staff would also like to clarify that the Youth Sports User Fee should only apply to those groups and/or organizations that fall into Tier 2.

Fiscal Impact: None. This change to the policy would keep revenue status quo. There would be no additional expenditures nor additional revenue received.

Recommendation: move to approve the Commission's recommendation to reduce the required percentage of Milpitas residents from 75% to 51% per team or group, and to clarify that the Youth Sport User Fee only applies to Tier 2.

Library Advisory Commission:

- * 5. **Approve Placement of Plaque in Milpitas Public Library (Staff Contact: Sheldon AhSing, 408-586-3278)**

Background: The Milpitas Library opened on January 10, 2009 to the public, providing programs and diverse resources, promoting knowledge, ideas and cultural enrichment to the Milpitas community and other patrons. The new library was a culmination of the hard work and dedication of a small group of individuals who had the initial vision for planning and constructing the new Milpitas Public Library. There has been no formal acknowledgement of these individuals' hard work.

At the Commission's September 16, 2013 meeting, the Library Advisory Commissioners voted to recommend that a plaque acknowledging the vision of the initial volunteers be placed in the Milpitas Public Library.

Proposed plaque language: A proof of the Library Advisory Commission recommended plaque is included in the Council's agenda packet. The Library Advisory Commission voted unanimously on the language and display at its November 18, 2013 meeting. If approved by the City Council, staff will coordinate a dedication date with the Commission for future consideration by the City Council.

Fiscal Impact: No more than \$3,000. Funds are available from the Measure I Transient Occupancy Tax (TOT) Fund.

Recommendations:

1. Approve a budget appropriation of \$3,000 from Measure I TOT Fund to the City Council Community Promotions Unallocated budget.
2. Approve placement of new plaque in Milpitas Public Library honoring individuals who had the initial vision for planning and constructing the new Milpitas Public Library.

XV. NEW BUSINESS

- 6. **Receive Presentation by California Polytechnic University Faculty and City staff on the California Circle and Main Street Study Areas for Pre-Planning Insight, Vision and Urban Design Concepts (Staff Contact: Scott Ruhland, 408-586-3274)**

Background: California Polytechnic University (Cal Poly), in coordination with the City's Planning Department, prepared a land use and urban design visioning study for two areas of the City: California Circle and Main Street (at Serra Way). The project consists of an assessment of each area's current development conditions and trends, its economic development potential; as well as a set of pre-planning and urban design concepts to inform and guide future physical development in each area. The concepts are design ideas generated by the students, with input from staff and Planning Commissioners, for the long-term physical transformation of each area. The concepts are not formal development proposals nor are they intended to be adopted or approved by the City as presented. They are meant to provide background information and

conceptual design ideas in the event the City decides to embark on more specific planning for each area.

The project was introduced to the Planning Commission in June of 2013 with project updates presented to Planning Commission last October and to the Economic Development Commission in November. The final plans and vision concepts were presented to the Planning Commission on December 11, 2013. The Planning Commission provided positive feedback on the various concepts and visions; and, complemented the Cal Poly students and faculty for their time and work on this project. The project will result in a final report that will be presented to the Council at the January 21st meeting.

Project Description: This project was undertaken by students enrolled in Cal Poly's City and Regional Planning Department's *Community Design Lab* during the Fall Quarter of 2013, under the supervision of professor Vicente del Rio and Department Chair, Professor Hema Dandekar. The work consisted of:

1. An assessment of each of the study area's current development conditions and trends as well as the community and City needs;
2. A set of planning and urban design concepts to assist in future planning, design and physical development of each study area.

Staff may use the outcome of this process as pre-planning background and analysis to assist in future master planning for the areas. This information may serve as background conditions and design concepts for a future Specific Plan, Precise Plan or other planning and design related document if the City wishes to embark on such a process.

California Circle: Overall, there is an opportunity to identify the best range of uses while maximizing economic development opportunities taking into consideration a number of factors including:

- 1) The site's gateway designation into the City;
- 2) Excellent visibility and accessibility from Interstate 880;
- 3) Repositioning this valuable site in today's market and economy;
- 4) Reuse, redevelopment and new development on several large, underutilized parcels; and,
- 5) Opportunities for maximizing open space amenities along Pentitencia Creek.

Main Street at Serra Way: There are also opportunities in improving this area by taking into consideration the following factors:

- 1) The site's location and history as Milpitas' "Main Street;"
- 2) Underutilized buildings and parcels and smaller scale development pattern;
- 3) Opportunities for a new pedestrian oriented, mixed-use district;
- 4) Access and visibility from Calaveras Boulevard; and,
- 5) Fulfilling the "Precise Plan" requirement contained within the Midtown Specific Plan.

In regards to No. 5, this is especially important to achieve this requirement and encourage future development proposals for this area. Fulfilling this requirement creates an incentive where private development proposals would not incur additional time and cost providing an incentive to redevelop this area. However, if the City wishes to move forward to complete this requirement, and formally adopt a Precise Plan for the Main Street/Serra Way area, some additional public outreach and study will be necessary.

Fiscal Impact: None.

Recommendations: Receive presentation on study on two areas of the City: California Circle and Main Street at Serra Way, and provide comments and feedback.

XVI. RESOLUTIONS

* 7. **Adopt a Resolution Approving Community Advisory Commission Tree Planting Program (Staff Contact: Felix Reliford, 408-586-3071)**

Background: At its meeting on June 18, 2013, City Council approved the Community Advisory Commission (CAC) Work Plan 2014 to include the Tree Planting Program. The Council directed the CAC and staff to address several issues regarding the program prior to final approval. Below is a summary of the proposed CAC Tree Planting Program:

Number of Trees: Commissioners request the City Council to approve the planting of 125 trees in the following locations around the City:

- 50 Trees in Cardoza Park
- 50 Trees in Murphy Park
- 24 Trees in Jerry Arnold Park (new park adjacent to Apex Development)
- 1 Tree planted for City's 60th Anniversary

30 Scarlet Oaks, 65 Jacarandas and 30 Sawleaf Zelkovas are the trees to be planted. All trees were reviewed and approved by Public Works staff, including the City's Arborist. The California Urban Forest Council is donating 100 trees, Lyon Communities is providing 24 trees, and 1 tree is budgeted as part of the City's 60th Anniversary celebration.

Volunteers and Community Participation: Part of the donation approval from California Urban Forest Council required the CAC to participate in a Training Program for all Bay Area Planting Partners. The training program was held on November 15, 2013 at Frank Ogawa Plaza in Oakland. The Commission Chair participated in the training session, which will assist in training future volunteers. The donation also requires that 100+ community members participate in the tree planting event scheduled on February 15 and also attend a 90-minute training session. Staff and the CAC have conducted outreach to the community (businesses, services groups, volunteer groups, churches, schools, etc.) for participation by volunteers. The training sessions are scheduled in January and February and will be conducted by the City's Arborist.

Ongoing Maintenance Costs: It is estimated that after the trees mature (after the fifth year of growth) they will be trimmed every five years at a cost of approximately \$500/per tree. The trees in Jerry Arnold Park will be maintained by the Homeowners Association at no cost to the City.

Fiscal Impact: Estimated \$50,000 after the fifth year of growth, and \$50,000 every fifth year for tree trimming.

Recommendation: Adopt a resolution authorizing the acceptance of 100 donated trees from California Urban Forest Council and 24 trees provided by Lyon Communities.

* 8. **Adopt a Resolution Amending the Classification Plan to Adjust Salary Ranges for City of Milpitas Unrepresented Classifications (Staff Contact: Carmen Valdez, 408-586-3086)**

Background: At the November 5, 2013 City Council meeting, Councilmember Gomez requested staff to review compaction with Safety Command staff versus subordinate staff and to review salaries for unrepresented employees, including Department Heads and management. The last salary increase for unrepresented employees was in 2007. Since 2011, this group has been contributing 7% of the employer PERS contribution.

Safety Compaction: In years past, a compaction study was completed annually for unrepresented management Safety personnel. Since 2004, an extensive study has not occurred due to the downturn in the economy. In order to maintain appropriate internal pay alignments, salaries for unrepresented management employees in the Police and Fire Departments were reviewed and compared to the highest paid Police Lieutenants and Fire Captains salaries, respectively. The compaction issue is attributed to the fact that represented employees have various special pays which management employees are not eligible to receive. To alleviate this identified problem, staff recommends that the Council authorize that Fire Battalion Chiefs and Police Commanders receive a 5% salary increase above the highest paid Fire Captains and Police Lieutenants.

Included in agenda packet is the analysis for City Council review.

Unrepresented Classifications (Misc): Upon reviewing the salaries of surrounding agencies, it was determined that several classifications for unrepresented employees are in the median to below median quartile as compared to other agencies. In order to retain current staff and to remain competitive with City of Milpitas' surrounding agencies, it is recommended that salary ranges be increased by 7%. This would not result in an automatic pay increase for all classifications but will be at the discretion of the City Manager.

Fiscal Impact: In the Fiscal Year 2013-14 budget, there is sufficient allowance for salary adjustments. The approximate total fiscal impact could be up to \$553,857.

- Unrepresented Safety – \$368,360
- Unrepresented Personnel (Misc) – \$185,497

Recommendation: Adopt a resolution amending the Classification Plan to adjust salary ranges for City of Milpitas unrepresented management classifications and allow the City Manager to increase salaries at his discretion.

9. Adopt a Resolution Approving the 2014 Cost Allocation Plan (Staff Contact: Emma Karlen, 408-586-3145)

Background: In 2007, Finance staff conducted a Cost Allocation Study which was reviewed and approved by the City Council. Since then, there have been various changes in the City that include dissolution of the Redevelopment Agency, outsourcing of certain City's services, and organizational changes. As a result of these changes, the Cost Allocation Plan must be reviewed and updated to ensure its relevancy. The 2014 Cost Allocation Plan ("Plan") was prepared by the Finance Department, reviewed by all City departments and recommended by the Finance Subcommittee. A copy is included in the Council's agenda packet.

The primary objective of the Cost Allocation Plan is to identify the full cost of providing specific City services. The full cost includes not only the direct costs of servicing a program but also administrative and overhead costs (also known as indirect costs) which are assigned to each program indirectly using cost allocation formulas. The Cost Allocation Plan will meet the requirements of Proposition 218 by documenting and substantiating full costs of City services.

Once the full costs of the services have been identified, the other objective of the Plan is to provide the basis for adjustment of user fees and service charges. The City's Municipal Code requires that staff review City's fees and charges periodically to ensure that the costs of providing certain City services are reasonably recovered through fees and charges. The Plan also provides the basis for administration and overhead cost reimbursements from the utility enterprise funds to ensure that the General Fund tax revenues are not used to subsidize utility service charges. Additionally, the Plan provides transparency and consistent methodology on how hourly rates are determined for each direct service staff position for cost recovery purposes.

The 2014 Cost Allocation Plan was computed using cost data from the FY 2013-14 Budget and Financial Plan. Once the Plan has been adopted by the City Council, the formulation of the Plan

will remain intact but the cost data will be updated annually from each subsequent fiscal year's operating budget. It is intended that the City's fees and charges be reviewed each fiscal year in conjunction with the adoption of the operating budget. If warranted, staff will recommend fee adjustments at that time.

Fiscal Impact: There is no current fiscal impact for approving the 2014 Cost Allocation Plan.

Recommendation: Adopt a resolution approving the 2014 Cost Allocation Plan.

XVII. AGREEMENTS

- * 10. **Approve Amendment No. 1 to the Consulting Services Agreement with Vali Cooper & Associates, Inc. for an additional \$75,000 to Continue Support on the Silicon Valley Rapid Transit Program Berryessa BART Extension Project No. 4265 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: On August 3, 2010, the City entered into a Master Agreement with the Santa Clara Valley Transportation Authority (VTA) for reimbursement of City work on the Silicon Valley Berryessa BART Extension (SVBX) project. The Master Agreement has been amended several times since 2010 and allows reimbursement of City consultant costs for support services. On November 20, 2013, the City entered into a consulting services agreement with Vali Cooper & Associates, Inc. in the amount of \$19,760 to provide support services for the SVBX project. Staff now recommends that Vali Cooper & Associates perform additional services by continuing its support through the end of this fiscal year at the same level of effort (approximately two days per week). Amendment No. 1 with Vali Cooper & Associates is proposed for these additional services. Staff negotiated a fee for these services not to exceed \$75,000 at the same hourly rate. Approval of this agreement amendment brings the total agreement amount to \$94,760.

Fiscal Impact: None. Consultant expenses and City staff labor are reimbursable under the VTA Master Agreement. Sufficient funds are available in the project budget for these services.

Recommendation: Approve Amendment No. 1 to the agreement with Vali Cooper & Associates in the amount of \$75,000 for the Silicon Valley Berryessa BART Extension Project No. 4265.

- * 11. **Authorize City Manager to Execute the First Amendment to the Agreement with CSG for an Additional \$116,800 Annually for Fire Department Plan Review & Inspection Services (Staff Contact: Albert Zamora, 408-586-3371)**

Background: On May 14, 2013, the City Council approved the City's Final Budget for Fiscal Year 2013-14, which includes \$280,000 for Fire Prevention Division Contractual Services. CSG Consultants, Inc. currently provides fire plan review and inspection services for the City of Milpitas with an annual amount not-to-exceed \$163,200. Due to the increase demand for both plan review and inspection services relative to the major residential development projects approved by the City, this proposed amendment will facilitate the additional workload by increasing the annual amount not-to-exceed to \$280,000.

Fiscal Impact: None. Contractual services were approved as part of the FY 2013-14 Adopted Budget. Sufficient funding is available in the Fire Prevention Division's operating budget.

Recommendation: Authorize City Manager to execute the first amendment to the agreement with CSG for fire inspection and plan review services for an increase of \$116,800 and a total amount-not-to-exceed \$280,000 annually (which includes the original contract amount of \$163,200).

XVIII. DEMAND

- * 12. **Receive Report of Emergency Repair to the Milpitas Community Center Auditorium, and Authorize Staff to Pay Emergency Repair Work Invoices in an Amount not to Exceed \$80,661.00 (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: Pursuant to Council Resolution No. 7779 and Public Contracts Code Section 22050, the Director of Public Works must report all emergency public works repairs ordered by the Director of Public Works to the City Council.

In December 2013, the Public Works Director directed B.T Mancini and A Plus Painting to expedite the replacement of the damaged floor at the Milpitas Community Center Auditorium. The floor had several trip hazards and exposed cracks that could cause injuries to the patrons. The critical path for construction required the walls of the auditorium to be repaired and repainted prior to the installation of the flooring to prevent damage to the new floor and allow the floor base to be installed at the completion of the wall finishes. The Milpitas Community Center Auditorium is one of the most utilized facilities in the City, and there was a very narrow window of time to allow for this work to be completed without impact to the Community Center. The Director of Public Works authorized B. T. Mancini and A Plus Painting to conduct the work immediately rather than soliciting competitive bids from various contractors in order to minimize the immediate trip hazards and impact to the Community Center. The scope of work included replacement of the auditorium flooring, repairs to the concrete slab, repainting of the walls, and miscellaneous other repairs.

These projects are categorically exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines for restoration or rehabilitation of deteriorated or damaged structures.

Fiscal Impact: None. Sufficient funds are available in the City Facilities Improvement Capital Improvement Project No. 3406 budget for these services.

Recommendations:

1. Receive this report from the Public Works Director per Resolution No. 7779 and Public Contracts Code Section 22050 for emergency public works repair to the Community Center Auditorium.
2. Authorize staff to pay emergency repair work invoices to B.T. Mancini Company Inc. in an amount of \$51,079.00 from CIP 3406.
3. Authorize staff to pay emergency repair work invoices to Michael Dovgan doing business as A Plus Painting in an amount of \$29,582.00 from CIP No. 3406.

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULE COUNCIL MEETING
TUESDAY, FEBRUARY 4, 2014 AT 7:00 P.M.**