



MILPITAS CITY COUNCIL AGENDA
TUESDAY, JUNE 3, 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 by the Mayor (6:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
 - 1. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**

Pursuant to California Government Code Section 54957.6
City Negotiators: Tom Williams, Carmen Valdez
Employee Groups: International Association of Fire Fighters Local 1699, Milpitas Employees Association (MEA), Mid-management and Confidential Unit (Mid-Con), and Professional and Technical Group (ProTech)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
 - 2. CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(a)
County of Santa Clara, et al., v. Milpitas Economic Development Corporation, et al., Sacramento County Superior Court case no. 34-2013-80001436, and
Successor Agency to the Milpitas Redevelopment Agency, et al. v. John Chiang, et al., Sacramento County Superior Court case no. 34-2013-80001508
 - 3. CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(a)
Melvin Vaughn v. City of Milpitas, et al
Santa Clara County Superior Court, Case No. 1-13-CV-252951
- III. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Mayor Esteves)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – May 20, 2014**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR – June 2014**
- VIII. PRESENTATIONS**
 - Presentation of Youth Advisory Commission Scholarship Award
 - Recognition of Volunteer Income Tax Assistance (VITA) program volunteers
- 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 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. PUBLIC HEARING

- 1. **Consider Appeal by Integral Communities Regarding Determination of Incompleteness of its Development Application for the Proposed Centre Pointe Mixed-Use Project (Staff Contact: Steve McHarris, 408-586-3273) – CONTINUED TO JUNE 17, 2014, AT THE REQUEST OF APPLICANT**
- 2. **Hold a Public Hearing and Adopt Resolution Approving the Annual Engineer’s Report and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Steve Erickson, 408-586-3301)**
- 3. **Hold a Public Hearing and Adopt Resolution Approving the Annual Engineer’s Report and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Steve Erickson, 408- 586-3301)**

XV. UNFINISHED BUSINESS

- * 4. **Receive the Monthly Odor Control Report (Staff Contact: Jeff Moneda, 408-586-3345)**

XVI. REPORTS OF MAYOR & COMMISSIONS

- * 5. **Consider Mayor’s Recommendation of Re-Appointments to Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Senior Advisory Commission

- * 6. **Approve Senior Advisory Commission 2014-15 Work Plan (Staff Contact: Stephanie Douglas, 408-586-3226)**

XVII. ORDINANCES

- 7. **Waive the First Reading and Introduce Ordinance No. 164.3 to Amend the Municipal Code Relating to Schedule of Fees and Service Charges (Staff Contact: Emma Karlen, 408-586-3145)**
- * 8. **Waive the Second Reading and Adopt Ordinance No. 196.11 Amending Chapter 213 of Title V of the Milpitas Municipal Code to Regulate Daytime Residential Noise Levels (Staff Contact: Scott Ruhland, 408-586-3274)**
- * 9. **Waive the Second Reading and Adopt Ordinance No. 271.1 to Merge the Public Art Committee with the Arts Commission (Staff Contact: Renee Lorentzen, 408-586-3409)**

XVIII. RESOLUTIONS

- * 10. **Adopt a Resolution Calling for the General Municipal Election on November 4, 2014 (Staff Contact: Mary Lavelle, 408-586-3001)**
- * 11. **Adopt a Resolution to Approve Non-Exclusive Collection, Transportation, and Recycling Agreements with Peninsula Debris Box Service, LLC and Lam Hauling, Inc. (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 12. **Adopt a Resolution Authorizing the Purchase of a Dell-AppAssure DL4000 Backup and Recovery Appliance for Disaster Recovery from Dell Financial Services, LLC for an Amount Not-To-Exceed \$24,873.42 through a Cooperative Procurement Agreement (Staff Contact: Chris Schroeder, 408-586-3161)**
- * 13. **Adopt a Resolution Awarding an Agreement to Frank Szeto, an Individual Doing Business as New Orient Restaurant for Asian Style Meals for the Senior Nutrition Program in an Initial Amount Not-to-Exceed \$46,099.20 and Authorize Up to Four Annual Renewal Options for a Five Year Total Not-to-Exceed \$230,496 (Staff Contact: Chris Schroeder, 408-586-3161)**
- * 14. **Adopt a Resolution Approving a New Piggyback Agreement with Ricoh Americas Corporation Through the “Agreement for Copiers/Multi-Functioning Devices for Citywide Use Between the City of San Jose and Ricoh Business Solutions a Division of Ricoh Americas Corporation” (Staff Contact: Chris Schroeder, 408-586-3161)**

XIX. AGREEMENTS

- * 15. **Approve a Memorandum of Understanding with the County of Santa Clara to Provide the Milpitas Police Department Access to the California Identification System (Staff Contact: Commander Armando Corpuz, 408-586-2534)**
- * 16. **Approve Agreements with Nine Vendors for FY 2014-15 Recreation Service Programs (Staff Contact: Dale Flunoy, 408-586-3228)**
- * 17. **Approve an Agreement with Adonai Perazim, Inc., doing Business as Prints Charles Reprographics, for Various Capital Improvement Program Projects and Engineering Department Printing Needs (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 18. **Approve Amendment No. 2 to the Consulting Services Agreement with Vali Cooper & Associates, Inc. to Extend the Term and Increase Compensation in the Additional Amount of \$158,240 to Continue Support on the Silicon Valley Rapid Transit Program Berryessa Extension Project No. 4265 (Staff Contact: Jeff Moneda, 408-586-3345)**
- * 19. **Authorize the City Manager to Amend the Master Services Agreement with York Insurance Group, Inc. for Workers’ Compensation Third Party Administrator Service through June 30, 2015 (Staff Contact: Carmen Valdez, 408-586-3086)**

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JUNE 17, 2014**

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 / 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 on:
Senior Advisory Commission
Sister Cities Commission – student non-voting member

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 City Council Chambers for all meetings.

AGENDA REPORTS

XIV. PUBLIC HEARING

1. **Consider Appeal by Integral Communities Regarding Determination of Incompleteness of its Development Application for the Proposed Centre Pointe Mixed-Use Project (Staff Contact: Steve McHarris, 408-586-3273) - CONTINUED TO JUNE 17, 2014, AT THE REQUEST OF APPLICANT**

Background: Integral Communities requested and the City has agreed to continue this public hearing to the June 17, 2014, City Council meeting.

Recommendation: Continue the public hearing on the appeal by Integral Communities regarding determination of incompleteness of its development application for the proposed Centre Pointe Mixed-Use project to the June 17, 2014 City Council meeting.

2. **Hold a Public Hearing and Adopt Resolution Approving the Annual Engineer's Report and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On May 20, 2014, the City Council adopted Resolution of Intention No. 8371 to levy annual assessments for the Landscaping and Lighting Maintenance Assessment District No. 95-1. The district provides for servicing and maintenance of public landscaping and pedestrian lighting along North McCarthy Boulevard and the gateway features on Ranch Drive. An annual public hearing is necessary to adopt the Annual Engineer's Report to provide funds for the district. Total assessment for the district in the Annual Engineer's Report is \$276,676.00 for FY 2014-15 and is within the previously approved range of assessments.

Fiscal Impact: None.

Recommendations:

1. Open the public hearing, receive any written protests, and hear testimony.
 2. Move to close the public hearing.
 3. Adopt a resolution approving the annual Engineer's Report, confirm diagram and assessment and ordering levy of assessments for Fiscal Year 2014-15 for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch.
3. **Hold a Public Hearing and Adopt Resolution Approving the Annual Engineer's Report and the Levying of Assessment for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On May 20, 2014, the City Council adopted Resolution of Intention No. 8372 to levy annual assessments for the Landscaping and Lighting Maintenance Assessment District No. 98-1. The District provides for servicing and maintenance of public landscaping along Sinclair Frontage Road, Los Coches Creek and Berryessa Creek abutting the Sinclair Horizon residential subdivision. An annual public hearing is necessary to adopt the Annual Engineer's Report to provide funds for the district. Total assessment for the district in the Annual Engineer's Report is \$36,591.00 for FY 2014-15 and is within the previously approved range of assessments.

Fiscal Impact: None.

Recommendations:

1. Open the public hearing, receive any written protests, and hear testimony.
2. Move to close the public hearing.

3. Adopt a resolution approving the Annual Engineer's Report, confirm diagram and assessment, and ordering levy of assessments for Fiscal Year 2014-15, for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon.

XV. UNFINISHED BUSINESS

- * 4. **Receive the Monthly Odor Control Report (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: From April 9 through May 11, 2014, the Bay Area Air Quality Management District (BAAQMD) received ten odor complaints originating in Milpitas. Four complaints identified a garbage odor, one complaint identified a sewage odor and five complaints did not identify an odor source. As of the last Council update, the City's odor reporting website has received twenty-three reported complaints.

California Environmental Quality Act: The item is exempt from CEQA as there will be no physical change to the environment.

Recommendation: Receive the current update of the odor report.

XVI. REPORTS OF MAYOR & COMMISSIONS

- * 5. **Consider Mayor's Recommendation of Re-Appointments to Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following re-appointments:

Emergency Preparedness Commission:

Re-appoint Mercedes Albana as a regular member to a term that will expire in June 2017.

Library Advisory Commission:

Re-appoint Yu-Lan Chou as a regular member to a term that will expire in June 2016.

Re-appoint Ha Phan as a regular member to a term that will expire in June 2016.

Re-appoint Trinidad Aoalin as a regular member to a term that will expire in June 2016.

Re-appoint Elpidio Estioko as a regular member to a term that will expire in June 2016.

Park, Recreation and Cultural Resources Commission:

Re-appoint Bhupinder (Bill) Singh as Alternate No. 1 to a term that will expire in June 2016.

Recommendation: Receive Mayor's recommendations and move to approve re-appointments to Milpitas Commissions.

Senior Advisory Commission

- * 6. **Approve Senior Advisory Commission 2014-15 Work Plan (Staff Contact: Stephanie Douglas, 408-586-3226)**

Background: Pursuant to its By-laws, the Senior Advisory Commission serves as an advisory body to the City Council on matters pertaining to recreation, leisure, and nutrition services for Milpitas senior citizens. At the April 22, 2014 Senior Advisory Commission meeting, the Commissioners reviewed and approved a draft 2014-15 Work Plan which included plans for ongoing programs, events and long term goals that the Commission would like to accomplish.

Fiscal Impact: None.

Recommendation: Approve the 2014-15 Senior Advisory Commission Work Plan.

XVII. ORDINANCES

7. **Waive the First Reading and Introduce Ordinance No. 164.3 to Amend the Municipal Code Relating to Schedule of Fees and Service Charges (Staff Contact: Emma Karlen, 408-586-3145)**

Background: As part of the FY 2014-15 budget preparation, staff reviewed the fee schedules and fee structures of various City services and programs and determined that fee adjustments are appropriate for several departments' fees. Both the City's Municipal Code and Fiscal Policies require staff to review the City's fees regularly to ensure that costs for providing certain services are fully recovered through fees. In January 2014, the City Council approved an updated Cost Allocation Plan that provides the basis for calculating the service costs.

On May 20, 2014, the City Council held a public hearing to receive written and oral presentations from staff regarding proposed adjustments to fees and charges for various City programs and services. The City Council subsequently adopted a resolution to approve the fee adjustments. Staff now recommends amending the related sections of the Milpitas Municipal Code to reflect the fee adjustment changes approved by the City Council. A redlined version of the ordinance is included in the Council's packet for review and introduction.

Fiscal Impact: None.

Recommendations:

1. Following the reading of the title by the City Attorney, move to waive the first reading beyond the title of Ordinance No. 164.3.
 2. Introduce Ordinance No. 164.3 amending the Milpitas Municipal Code relating to the Schedule of Fees and Service Charges.
- * 8. **Waive the Second Reading and Adopt Ordinance No. 196.11 Amending Chapter 213 of Title V of the Milpitas Municipal Code to Regulate Daytime Residential Noise Levels (Staff Contact: Scott Ruhland, 408-586-3274)**

Background: On May 20, 2014, the City Council introduced Ordinance No. 196.11 to amend Chapter 213 of Title V of the City's Municipal Code to regulate daytime residential noise levels. Ordinance No. 196.11 is now ready for a second reading and adoption.

Recommendation: Move to waive the second reading and adopt Ordinance No. 196.11 to regulate daytime residential noise levels.

- * 9. **Waive the Second Reading and Adopt Ordinance No. 271.1 to Merge the Public Art Committee with the Arts Commission (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: At the May 6, 2014, City Council meeting, Council introduced Ordinance No. 271.1 which addresses the recommendation to merge the Public Art Committee and the current Arts Commission into one new Arts Commission. Current Milpitas Municipal Code Section V-20-410 provides that the Public Art Committee will be comprised of members of the Milpitas Arts Commission and the Milpitas Alliance for the Arts. Since the latter group is no longer in existence, reorganization is necessary.

The new Arts Commission will take over the combined duties of both current arts advisory bodies which include: jury Phantom Art Gallery program artists, recommend Milpitas Art and Culture Program recipients, select the Artist of the Year award, and manage the City's Public Art Program. The new Arts Commission will consist of nine (9) regular voting Commissioners and three (3) alternate members. The three least senior current members will be assigned as the alternates.

Recommendation: Move to waive the second reading and adopt Ordinance No. 271.1 merging the Public Art Committee with the Arts Commission.

XVIII. RESOLUTIONS

- * **10. Adopt a Resolution Calling for the General Municipal Election on November 4, 2014 (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: Milpitas Municipal Code Title I, Chapter 200 Section 1.00 provides for the municipal election to be held on the same day as the statewide Gubernatorial General Election. The statewide General Election is scheduled this year on Tuesday, November 4. A Resolution was drafted calling for the municipal election on Tuesday, November 4, 2014 for the purpose of electing one Mayor and two members of the City Council. The resolution also requests consolidation of the Milpitas Municipal Election with the statewide General Election and requests provision of services from the Santa Clara County Registrar of Voters.

In June 2006, the City Council adopted Resolution No. 7597 relating to Candidates' Statements of Qualification printed in the sample ballot for Municipal Elections. This resolution sets forth the total number of words permitted in a Candidate's Statement (200) and that the candidate is responsible for the cost of printing and mailing the statement as well as the translation into minority languages. Also take note that the Federal Voting Rights Act requirements as applied to Santa Clara County mandate that election materials be made available in four minority languages - Chinese, Spanish, Tagalog and Vietnamese - in addition to English, since 2002.

Fiscal Impact: None. Funds are budgeted in the City Clerk's FY 2014-15 budget for the election. The County of Santa Clara will invoice the City after the election for all related costs.

Recommendation: Adopt a resolution calling a General Municipal Election for Tuesday, November 4, 2014, requesting consolidation with the statewide gubernatorial election and requesting election services from the Santa Clara County Registrar of Voters.

- * **11. Adopt a Resolution to Approve Non-Exclusive Collection, Transportation, and Recycling Agreements with Peninsula Debris Box Service, LLC and Lam Hauling, Inc. (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: In accordance with Title V, Chapter 200 of the Milpitas Municipal Code and the City's solid waste franchise agreement with Republic Services, Inc., solid waste collectors may enter into non-exclusive agreements with the City to collect and dispose of certain non-organic solid waste and/or construction and demolition debris from Milpitas residents and businesses that are not covered by the Republic Services, Inc. exclusive franchise agreement.

In August 2011, the City entered into a non-exclusive agreement with Lam Hauling, Inc. for a three-year term which expires on August 1, 2014. Staff proposes that the City enter into a new non-exclusive agreement, which will allow this collector to continue to operate. Peninsula Debris Box Service, LLC is a new collector seeking a similar non-exclusive agreement with the City.

Lam Hauling, Inc.'s proposed agreement grants a new three-year term commencing on August 2, 2014 and updates existing contract language. A new three-year agreement with Peninsula Debris Box Service, LLC will commence on June 3, 2014. Staff also requests authority to administratively review collections under these agreements and grant a maximum of two, three-year agreement extensions without further Council action.

California Environmental Quality Act (CEQA): The action is not considered a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change in the environment.

Fiscal Impact: A 12% franchise fee is paid by all non-exclusive collection haulers which is collectively estimated at \$950,000 annually.

Recommendation: Adopt a resolution approving Non-Exclusive Collection, Transportation, and Recycling Agreements with Peninsula Debris Box Service, LLC. and Lam Hauling, Inc. for three-year terms commencing on June 3, 2014 and August 2, 2014 respectively and authorize the City Manager or designee to extend the agreements for a maximum of two, three-year extensions.

*** 12. Adopt a Resolution Authorizing the Purchase of a Dell-AppAssure DL4000 Backup and Recovery Appliance for Disaster Recovery from Dell Financial Services, LLC for an Amount Not-To-Exceed \$24,873.42 through a Cooperative Procurement Agreement (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The Information Services Department needs to replace its current equipment for data backup and disaster recovery to meet the latest operating systems requirements. The existing backup system needs to be replaced because it does not fully meet the requirements of the new operating system, and as such has reached the end of its useful life. The backup system not only backs up day-to-day operations but must also provide a solution for disaster recovery with virtualized images of physical servers. After researching multiple brands of backup systems, the Dell-AppAssure DL4000 Backup and Recovery Appliance was determined to be the best fit for the City’s needs and computer infrastructure. Staff negotiated a five-year 0% interest lease-to-own agreement with Dell Financial Services LLC through the Western States Contracting Alliance (WSCA) Cooperative Agreement for “Computer Equipment, Software, Peripherals and Related Services” in an amount not-to-exceed \$4,974.68 annually and an agreement total amount not-to-exceed \$24,873.42. Cooperative purchasing through WSCA is specifically authorized pursuant to Municipal Code Section I-2-3.08 “Cooperative Procurement.” The Purchasing Agent reviewed all of the documentation from the WSCA Cooperative Agreement for “Computer Equipment, Software, Peripherals and Related Services” and determined that the underlying purchase was made using competitive bidding procedures at least as restrictive as the City of Milpitas.

The Purchasing Agent also issued a Request for Quotation from all eleven distributors on the WSCA Dell “Authorized Resellers List.” Four responded and are summarized below:

DSA Technologies	\$60,254.25
Technology Integration Group	\$41,984.70
LANAIR Group, LLC	\$58,616.25
GovConnection	\$49,777.12

The Purchasing Agent determined that the Dell direct pricing was superior and by purchasing the Dell-AppAssure DL4000 Backup and Recovery Appliance directly from Dell Financial Services through the WSCA cooperative agreement, the City is able to achieve a substantial savings off the retail price.

Fiscal Impact: None. There is sufficient funding in Information Services Department’s FY 2013-14 operating budget for the purchase.

Recommendation: Adopt a resolution authorizing the purchase of a Dell-AppAssure DL4000 Backup and Recovery Appliance from Dell Financial Services, LLC for an amount not-to-exceed \$24,873.42 through a cooperative procurement contract.

*** 13. Adopt a Resolution Awarding an Agreement to Frank Szeto, an Individual Doing Business as New Orient Restaurant for Asian Style Meals for the Senior Nutrition Program in an Initial Amount Not-to-Exceed \$46,099.20 and Authorize Up to Four Annual Renewal**

Options for a Five Year Total Not-to-Exceed \$230,496 (Staff Contact: Chris Schroeder, 408-586-3161)

Background: The City of Milpitas has contracted with the County of Santa Clara to help implement the Senior Nutrition Program since March 1978. This program serves seniors who are sixty years and older, 249 days per year for a total of 22,608 meals. Milpitas Senior Center's total budget for the FY 2014-15 Nutrition Program is \$171,235.00 and included in that budget is the cost for meals including Asian-style meals two days a week.

The original agreement with Frank Szeto, an individual dba New Orient restaurant, has been in place since July 1, 2004. The existing agreement will expire on June 30, 2014. The Purchasing Agent worked with Recreation Services staff to develop specifications for a Request for Proposal (RFP) for "Preparation and Delivery of Asian Style Senior Meals" which was released on April 10, 2014. The RFP was advertised in the local newspaper, on the City website and through *Public Purchase*. On May 2, 2014, only one (1) bidder responded - Frank Szeto dba New Orient Restaurant, for a base bid of \$46,099.20 and a five year total not to exceed \$230,496.

The Purchasing Agent reviewed the proposal from Frank Szeto, an individual dba New Orient Restaurant and determined it is in conformance with the RFP. There was no protest filed and the Purchasing Agent is recommending the City Council award and approve an agreement with Frank Szeto, an individual dba New Orient restaurant for an initial term from July 1, 2014 to June 30, 2015 in the amount of \$46,099.20. Additionally, the Purchasing Agent is requesting authority to exercise up to four annual options in the annual amount of \$46,099.20 for a total contract amount of \$230,496.00 over five years, subject to appropriation of funds and without action by the City Council.

Fiscal Impact: None. Funding for this purchase is available from the Recreation Services operating budget.

Recommendations: Adopt a resolution:

1. Awarding a contract to Frank Szeto, an individual doing business as New Orient Restaurant, for preparation and delivery of Asian style meals for the Senior Nutrition Program with an initial term from July 1, 2014, to June 30, 2015, in an amount not-to-exceed \$46,099.20.
2. Authorizing the Purchasing Agent to exercise up to four annual options in the annual amount of \$46,099.20 for a total contract amount of \$230,496.00 over five years, subject to appropriation of funds and without any further City Council approval.

*** 14. Adopt a Resolution Approving a New Piggyback Agreement with Ricoh Americas Corporation Through the "Agreement for Copiers/Multi-Functioning Devices for Citywide Use Between the City of San Jose and Ricoh Business Solutions a Division of Ricoh Americas Corporation" (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: On October 22, 2007, the City entered into a piggyback agreement with Ricoh Americas Corporation based on a competitive solicitation conducted by the City of San Jose. Piggybacking is authorized pursuant to the Municipal Code Section I-2-3.07 "Piggyback Procurement."

The current agreement between the City and Ricoh expires on June 30, 2014. The City's Purchasing Agent conducted a due diligence review and determined there are no local suppliers who could provide the same range of Copier/Multi-Functioning Devices at competitive rates and the City should continue to piggyback on the San Jose contract. The average annual cost of the City program including machine rental and maintenance is approximately \$60,000 per year depending on the number of copies made. The City currently has eighteen machines, the majority of which will be six years old as of June 30, 2014.

Staff recommends starting a new agreement with Ricoh based on the “Third Amendment to the Agreement for Copiers/Multi-Functioning Devices for Citywide Use between the City of San Jose and Ricoh Americas Corporation.” Under the new agreement, the City will have the opportunity to replace all current (older) machines with newly remanufactured machines at reduced fixed rates for the period July 1, 2014 through June 30, 2019. The total annual amount is \$60,000 per fiscal year for a total five year agreement amount not-to-exceed \$300,000. The new agreement will save the City \$13,163.52 annually on the rental of the machines and \$65,817.60 over the five year term.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving a new piggyback agreement with Ricoh Americas Corporation for a five year term from July 1, 2014 to June 30, 2019 in an annual amount not-to-exceed \$60,000 and total five year amount not-to-exceed \$300,000, for copier/multi-functional machines at City facilities.

XIX. AGREEMENTS

- * 15. **Approve a Memorandum of Understanding with the County of Santa Clara to Provide the Milpitas Police Department Access to the California Identification System (Staff Contact: Commander Armando Corpuz, 408-586-2534)**

Background: Since April 1988, municipal law enforcement agencies in Santa Clara County have signed a joint Agreement to access the California Identification System (Cal-ID). The Cal-ID enables access to the Automated Fingerprint Identification System (AFIS), maintained by the State of CA. The AFIS database is an essential tool for fingerprint identification and comparison work in criminal investigations. In March 2013, The Cal-ID Random Access Network Board (Cal-ID RAN) approved the transfer of the Cal-ID management, operations, equipment, and assets from the City of San Jose to the County of Santa Clara. The reason for this change was to reduce costs to law enforcement agencies while also reducing turn-around times on fingerprint analysis requests.

The Cal-ID cost is based on participating agencies average usage of services from the preceding three-year period. The average Cal-ID cost over the past five years for the Police Department is \$62,415. The projected cost for FY 2014-15 is \$53,296.

Fiscal Impact: None. The expense is part of the Police Department’s FY 2014-15 operating budget the City Council has already approved.

Recommendation: Approve the Memorandum of Understanding with the County of Santa Clara to provide the Milpitas Police Department access to the California Identification RAN system.

- * 16. **Approve Agreements with Nine Vendors for FY 2014-15 Recreation Service Programs (Staff Contact: Dale Flunoy, 408-586-3228)**

Background: Recreation Services staff recommends the City Council approve nine individual vendor agreements between the City of Milpitas and Barry Poole, Noteworthy Music, Jensen Performing Arts, Irene Saxes and Music Together, Communication Academy, Mad Science of Bay Area, South Bay Scholars, Tatsiana Lahunovich, and Center Stage Performing Arts. These are the preferred providers for classes and camps offered by Recreation Services for FY 2014-15. Vendor companies provide personnel, instruction, and supplies for Recreation Services programs and camps.

City Council is requested to approve agreements with the following:

1. Communication Academy – not to exceed \$22,000.00
2. Mad Science of Bay Area – not to exceed \$22,500.00

3. Barry Poole (tennis instructor)– not to exceed \$40,000.00
4. Irene Saxe and Music Together – not to exceed \$24,000.00
5. Noteworthy Music – not to exceed \$35,000.00
6. South Bay Scholars Basketball Camps – not to exceed \$22,000.00
7. Jensen Performing Arts – not to exceed \$20,000.00
8. Tatsiana Lahunovich (fitness) – not to exceed \$20,000.00
9. Center Stage Performing Arts – not to exceed \$30,000.00

Funds were approved by the City Council during the FY 2014-15 budget hearing and are available in the Recreation Services operating budget for the purchase of these services.

Fiscal Impact: None.

Recommendation: Approve nine separate agreements between the City of Milpitas Recreation Services and the vendors for annual classes and camps not to exceed their appropriate dollar amounts for Fiscal Year 2014-15.

- * 17. **Approve an Agreement with Adonai Perazim, Inc., doing Business as Prints Charles Reprographics, for Various Capital Improvement Program Projects and Engineering Department Printing Needs (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: The Engineering Department issued a Request for Proposals (RFP) for printing and bid administration services for use in implementing the City's Capital Improvement Program (CIP). Services would include printing of design and construction plans and specifications, and bid administration services including maintaining a list of plan holders, and issuance of contract document addenda.

Two printing service companies responded to the RFP, and through the City's consultant selection process, Adonai Perazim, Inc. doing business as Prints Charles Reprographics is recommended. That is based on its top ranking after staff's independent review and scoring of predetermined criteria for all submitted proposals. Staff recommends an agreement with a term of three years for an amount not-to-exceed \$45,000. This fee would be charged to various CIP project budgets as the services are used to complete the respective projects.

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

Recommendation: Approve an agreement with Adonai Perazim Inc., doing business as Prints Charles Reprographics, in the amount of \$45,000, and for a term to June 30, 2017.

- * 18. **Approve Amendment No. 2 to the Consulting Services Agreement with Vali Cooper & Associates, Inc. to Extend the Term and Increase Compensation in the Additional Amount of \$158,240 to Continue Support on the Silicon Valley Rapid Transit Program Berryessa 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 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 (BART) through June 30, 2104. On January 21, 2014, the parties entered into Amendment No. 1 to increase the compensation by \$75,000. Staff now recommends that Vali Cooper & Associates perform additional services by continuing the firm's support through the end of the next fiscal year at the same level of effort (approximately two days per week). Amendment No. 2 with Vali Cooper & Associates is proposed for these additional services. Staff has negotiated a fee for

these services not to exceed \$158,240 at the same hourly rate, bringing the total agreement amount to \$253,000.

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. 2 to the agreement with Vali Cooper & Associates extending the term to June 30, 2015, in the additional amount of \$158,240 for the Silicon Valley Berryessa (BART) Extension Project No. 4265.

- * **19. Authorize the City Manager to Amend the Master Services Agreement with York Insurance Group, Inc. for Workers' Compensation Third Party Administrator Service through June 30, 2015 (Staff Contact: Carmen Valdez, 408-586-3086)**

Background: The City entered into an agreement on November 1, 2005 with Southern California Risk Management Association (SCRMA) now known as York Insurance Services Group, Inc. to provide services and perform work as the City's Workers' Compensation Third Party Administrator (TPA) in accordance with applicable requirements of federal, state and local laws, rules and regulations. The current term of the agreement will expire on June 30, 2014. Staff recommends renewal of the agreement by amendment with York to provide services for a one (1) year term beginning July 1, 2014, and concluding on June 30, 2015. Terms of the amendment to the agreement also include administrative fees in the amount of \$129,000 for the year (equivalent to the previous year - a 0% increase).

Fiscal Impact: None. Sufficient funds are allocated in the Human Resources Department's budget for FY 2014-15.

Recommendation: Authorize the City Manager to execute an amendment to the current agreement with York Insurance Services Group, Inc. for workers' compensation Third Party Administrator service to extend it effective July 1, 2014, through June 30, 2015, in accordance with the terms and conditions stated in the amendment, in an amount not to exceed \$129,000.

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JUNE 17, 2014**