



MILPITAS CITY COUNCIL MEETING AGENDA

TUESDAY, OCTOBER 18, 2016

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**
 - (a) **CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**
Pursuant to California Government Code Section 54957.6
City Negotiators: Tom Williams, Tina Murphy
Employee Group: Milpitas Police Officers Association
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
 - (b) **CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**
Name of Case: American Arbitration Association Case No. 01-16-0000-4753
 - (c) **CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**
Pursuant to California Government Code section 54956.9(d)(1)
City of Milpitas' appeal of City of San Jose Planning Director Decision, San Jose Planning Commission, file no. PD 14-014
 - (d) **CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**
Name of Case: US Sino Investment Co. v. City of Milpitas, et al. Superior Court Case No. MSC15-01700
 - (e) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to California Government Code Section 54957. Position: City Manager
- III. **CLOSED SESSION ANNOUNCEMENT:** 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 Grilli)
- VI. **APPROVAL OF COUNCIL MEETING MINUTES** – October 4, 2016
- VII. **SCHEDULE OF MEETINGS – COUNCIL CALENDAR** - October and November 2016

VIII. PRESENTATIONS

- Proclaim *Freedom from Workplace Bullies Week* for October 16–22, 2016
- Proclaim *Filipino American History Month* for October
- Annual Neighborhood Beautification Awards (followed by reception)

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. Conduct a Public Hearing, Adopt a Resolution Making Certain Determinations and Authorizing Submittal of the Levy of Special Taxes to the Qualified Electors of Certain Territory (Centre Pointe) Proposed to be Annexed to Community Facilities District No. 2008-1 for Public Services; Conduct a Special Election and Adopt a Resolution Declaring the Results of the Special Election and Adding Annexation No. 10; Approve Final Map Tract 10363 for a 241-Unit Residential Development at 1515, 1557 and 1585 Centre Pointe Drive, and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Judy Chu, 408-586-3325)**

XV. REPORT OF MAYOR

- * 2. Consider Mayor's Recommendation for Re-appointment to Veterans Commission (Contact: Mayor Esteves, 408-586-3029)**

XVI. NEW BUSINESS

- 3. Receive Construction Status Update for Montague Expressway Widening Project (Staff Contact: Steve Chan, 408-586-3324)**
- * 4. Consider Request from the Sunnyhills Neighborhood Association to Waive City Fees for Neighborhood Event on Saturday, October 29, 2016 at Augustine Park (Staff Contact: Mary Lavelle, 408-586-3001)**

XVII. RESOLUTIONS

- * 5. Adopt a Resolution Awarding an Agreement to Marina Landscape, Inc. Including Add Alternate Items A, B, and D for \$586,120 for Phase 1 Recycled Water Conversion Sites, Projects No. 7126 and No. 3417, Authorize the City Manager to Execute an Agreement and the City Engineer to Execute Contract Change Orders (Staff Contact: Greg Chung, 408-586-3355)**
- * 6. Adopt a Resolution Approving Contractor's Request to Subcontract Bridge Deck Milling Operations for Bridge Improvements - Project No. 4271 (Staff Contact: Steve Erickson, 408-586-3301)**
- * 7. Adopt a Resolution Authorizing the City Manager to Execute an Agreement for Document Imaging by Piggybacking the City of Saratoga Contract with Peelle Technologies for the Not-to-Exceed Amount of \$59,992.50 (Staff Contacts: Mike Luu, 408-586-2706 and Chris Schroeder, 408-586-3161)**
- * 8. Adopt a Resolution Amending the City's Classification Plan Related to Positions in the City Clerk's Office, the Public Works Department and the Recreation Department and Appropriate Funding (Staff Contact: Tina Murphy, 408-586-3086)**

XVIII. AGREEMENT

- * 9. Approve Amendment No. 4 to the Consultant Agreement with HF&H Consultants for Solid Waste Procurement Services in the Amount of \$138,160 and Approve a Budget Appropriation in the Amount of \$200,000 for CIP No. 3401 (Staff Contact: Marilyn Nickel, 408-586-3348)**

XIX. DEMANDS

- *10. Receive a Report on Emergency Repair of HVAC System at Public Works/Police Department Building and Authorize Payment of Invoices in the Amount of \$17,501.74 to ACCO Engineered Systems (Staff Contact: Nina Hawk, 408-586-2603)**
- *11. Receive a Report on Emergency Repair of Water Line at Hillview Court and Authorize Payment of Invoices in the Amount of \$20,071.31 to Preston Pipelines (Staff Contact: Nina Hawk, 408-586-2603)**

XX. ADJOURNMENT

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

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. Phone 408-586-3040

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
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 City Council Chambers for all meetings in that facility.

AGENDA REPORTS

XIV. PUBLIC HEARING

- 1. Conduct a Public Hearing, Adopt a Resolution Making Certain Determinations and Authorizing Submittal of the Levy of Special Taxes to the Qualified Electors of Certain Territory (Centre Pointe) Proposed to be Annexed to Community Facilities District No. 2008-1 for Public Services; Conduct a Special Election and Adopt a Resolution Declaring the Results of the Special Election and Adding Annexation No. 10; Approve Final Map Tract 10363 for a 241-Unit Residential Development at 1515, 1557 and 1585 Centre Pointe Drive, and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Judy Chu, 408-586-3325)**

Background: On January 6, 2009, the City Council adopted Resolution No. 7815 enabling the establishment of City of Milpitas Community Facilities District (CFD) No. 2008-1 for public services. On September 6, 2016, the City Council adopted Resolution 8585 declaring intention to annex real properties within Tract No. 10363 into CFD No. 2008-1 (Annexation No. 10, Attachment 1), levy and collect special tax for public services, set the public hearing date for 7:00 PM, October 18, 2016 at City Hall, and direct the City Clerk to provide notice of public hearing per Government Code Sections 53339.4, 53322 and 53322.4. A Notice of Public Hearing (Attachment 2) was duly published on *Milpitas Post* on October 7, 2016, as evidenced by the affidavit of the publication on file with the City Clerk.

Pursuant to Government Code Section 53339.8, City Council may determine to levy any special tax within Annexation No. 10, if two-thirds of the votes cast on the proposition are in favor of levying the special tax for public services. City has on file a Certificate of Registrar of Voters from the County of Santa Clara certifying that there are no registered voters residing within the boundaries of proposed Annexation No. 10 to the CFD 2008-1. Consequently, the qualified electors shall be the land owner within the Annexation No. 10. The land owner, D. R. Horton CA3, Inc., has consented and waived to shortening of time for noticing and conducting a special election to the proposed Annexation No. 10 (Attachment 3). Additionally, as required by the project condition no. 23, the land owner shall consent to annex its properties into CFD 2008-1 and pay the special taxes levied by CFD No. 2008-1 for public services.

Final Tract Map

On November 17, 2015, the City Council conditionally approved two Vesting Tentative Maps (VTMs) to allow for 241 new dwelling units on two lots located at 1515, 1557 and 1585 Centre Pointe Drive between Great Mall Parkway and Montague Expressway within the Transit Area Specific Plan area.

The City Engineer has examined the final map Tract 10363 (Attachment 1) and determined that the final map Tract 10363 is substantially the same as the VTMs pursuant to California Government Code (GC) Section 66442. The City Council shall not deny approval of a final map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map pursuant to GC Section 66474.1. Therefore, once the City Engineer certifies the final map, there are no additional discretionary grounds for the City Council to disapprove the final map.

Developers have offered dedications to the City for public use, such as public service and public utilities, emergency vehicle access, surface drainage release of storm water and future pedestrian bridge, as required by the project condition and as depicted on the final map. City Council shall accept, accept subject to improvements, or reject any offer of dedication at the time of final map approval pursuant to GC Section 66477.1 and Milpitas Municipal Code (MMC) Section XI-1-5.05-2.

On October 3, 2016, the City's Facilities and Streets Naming Subcommittee reviewed and recommended approval of the street names as shown on the final map. Those private street names are Market Street, Baja Rose Street, Wild Rose Way and Coffee Berry Lane without duplication. City Council shall approve all street names pursuant to MMC Section XI-1-7.01-8.

The City Engineer has also reviewed and approved public improvement plans (2-1218) pursuant to MMC XI-1-7.09-2. The Developer has executed a Subdivision Improvement Agreement (Attachment 2) as approved by the City Attorney as to form and by the City Engineer as to substance pursuant to MMC XI-1-17.01, paid all development fees and provided improvement securities for labor and materials to guarantee completion of required public improvements.

The final map Tract 10363 conforms to all of the requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code Title XI, Chapter 1 *Subdivisions*.

California Environmental Quality Act: Annexation of real properties into the existing CFD No. 2008-1 is not a project pursuant to the CEQA section 15378(b)(4), therefore, not subject to further environmental review. For the final subdivision map, approval is a ministerial action exempt from CEQA pursuant to CEQA Guidelines Section 15268(b)(3).

Fiscal Impact: Annexation of real properties within Tract No. 10363 into the CFD No. 2008-1 will enable the City to levy special tax for the real properties within Tract No. 10363 to fund public services. There is no fiscal impact for final map approval.

Attachments:

- A. Council Resolution – Special Taxes Levy for Annexation No. 10
- B. Council Resolution – Election Results for Annexation No. 10
- C. Boundary Map for Annexation No. 10
- D. Notice of Public Hearing (as published)
- E. Consent and Waiver for annexation
- F. Final Map Tract No. 10363
- G. Subdivision Improvement Agreement (SIA) – Centre Pointe Drive

Recommendations:

- 1. Open the public hearing, and move to close it following any speakers.
- 2. Adopt a resolution making certain determinations and authorizing submittal of the levy of special taxes to the qualified electors of certain territory (Centre Pointe by D. R. Horton) proposed to be annexed to CFD No. 2008-1 for public services.
- 3. Direct City Clerk to open ballot(s) and report election results, and then adopt a resolution declaring the results of the special election and adding Annexation No. 10 to the CFD No. 2008-1 for public services.
- 4. Direct the City Clerk to record notice of the annexation pursuant to Section 3117.5 of the California Streets and Highways Code.
- 5. Approve Final Tract Map No. 10363 for 241 new dwelling units located at 1515, 1557 and 1585 Centre Pointe Drive, including approval of street names and acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.
- 6. Authorize the City Manager to execute the Subdivision Improvement Agreement.

XIV. REPORT OF MAYOR

*** 2. Consider Mayor's Recommendation for Re-appointment to Veterans Commission (Contact: Mayor Esteves, 408-586-3029)**

Background: Veterans Commissioner Liliana Ramos notified the Mayor of her resignation on September 14, 2016. The City Clerk then posted the Notice of Vacancy, as required by Government Code 54974. That notice was posted for 20 days as the law calls for. Ms. Ramos subsequently notified the Mayor she wished to remain on the Commission and to rescind her resignation. Mayor Esteves wishes to accommodate the request.

Recommendation: Re-appoint Liliana Ramos to the Milpitas Veterans Commission into the seat previously held, to a term that expires in February of 2019.

XV. NEW BUSINESS

3. Receive Construction Status Update for Montague Expressway Widening Project (Staff Contact: Steve Chan, 408-586-3324)

Background: The Joint Powers Authority, represented by Santa Clara Valley Transportation Authority (VTA), Santa Clara Valley Water District, Santa Clara Roads and Airports; and City of Milpitas are currently implementing a number of improvements on South Milpitas Boulevard and Montague Expressway. Berryessa Creek is being reengineered at the intersection of Montague Expressway and South Milpitas Boulevard as a flood protection measure to guard against 100 year flooding events. The intersection of Montague Expressway and South Milpitas Boulevard will be raised by approximately six feet and widened to properly account for the new improvements. Numerous utilities are being added, replaced or placed underground. Multimodal access will be improved on the expressway by the addition of sidewalks, paved shoulders, and additional High Occupancy Vehicle (HOV) lane. South Milpitas Boulevard will also be extended to connect to Capitol Avenue and will provide access to the future BART station.

South Milpitas Boulevard will be temporarily closed to traffic starting on Friday, October 14, 2016 for approximately five weeks to raise the intersection to match the level of the newly constructed bridge over Lower Berryessa Creek at Montague Expressway. Traffic detours and roadside advisory signs have been implemented to divert traffic around South Milpitas Boulevard closure. Leading the public outreach efforts, VTA has conducted extensive door-to-door outreach and has sent out public notices to immediately affected residents and businesses along South Milpitas Boulevard. VTA also participated in a Santa Clara Valley Water District hosted public outreach meeting on September 12, 2016 at Barbara Lee Senior Center for upcoming construction activities and their impacts to the public.

Furthermore, VTA reached out to a number of agencies and press outlets to broadcast the closure to the public, including:

- Mercury News' Mr. Roadshow
- Silicon Valley Business Journal
- Milpitas Post
- NBC Bay Area Local
- Caltrans
- CalTrux
- GovDelivery, Twitter, Facebook
- NextDoor: social media network for neighborhoods

The public can contact VTA-BART Community Outreach at 408-934-2662 and project website www.vta.org/bart/montaguemilpitas for expanded project details, schedule, traffic advisories and construction notices.

Fiscal Impact: None.

Recommendation: Receive a staff report on the construction status of the Montague Expressway Widening Project.

- * 4. **Consider Request from the Sunnyhills Neighborhood Association to Waive City Fees for Neighborhood Event on Saturday, October 29, 2016 at Augustine Park (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: The City Clerk received a “Donation or Fee Waiver/Reduction Request Application Form” from the Sunnyhills Neighborhood Association on October 10. Sunnyhills applied in September for a Special Event Permit through the Planning Department, and applied to rent Augustine Park for this event. The group is requesting that the City Council waive all City fees charged for its Halloween Neighborhood Watch Event from 2:00 to 4:00 PM on Saturday, October 29, 2016.

City Fees are:

Park Rental fee – Recreation Services	\$ 60.00
Special Event permit application – Planning Dept.	\$250.00

Fiscal Impact: \$20,000 was approved and included in the FY 2016-17 City budget for City Council’s Unallocated Community Promotions. If the current fee waiver of \$310.00 is granted, then \$15,942.58 would be the remaining balance for the fiscal year.

Recommendation: Consider the request from Sunnyhills Neighborhood Association and move to approve fee waiver for Planning and Recreation fees totaling \$310.00 for its Halloween Neighborhood Watch Event from 2:00 to 4:00 PM on Saturday, October 29, 2016.

XVI. RESOLUTIONS

- * 5. **Adopt a Resolution Awarding an Agreement to Marina Landscape, Inc. Including Add Alternate Items A, B, and D for \$586,120 for Phase 1 Recycled Water Conversion Sites, Projects No. 7126 and No. 3417, Authorize the City Manager to Execute an Agreement and the City Engineer to Execute Contract Change Orders (Staff Contact: Greg Chung, 408-586-3355)**

Background: On August 16, 2016, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Phase 1 Recycled Water Conversion Sites, Projects No. 7126 and No. 3417. The project provides for conversion of 17 acres of irrigation landscaping from potable water to recycled water, construction of potable supply for drinking fountains and sinks, and construction of a sanitary sewer lateral. The Engineer’s Estimate for the base bid project work was \$511,190 and \$70,500 for Alternates A, B, and D, for a total of \$581,690.

The project was advertised and no sealed bid proposals were received on Tuesday September 13, 2016. Staff reached out to prospective bidders multiple times during the bidding period in order to spark interest in the project and extended the bidding period to accommodate prospective bidders’ schedules. After the appointed time for bid opening, staff reached out to the prospective bidders to find out why they did not submit a bid. The prospective bidders indicated that they were too busy and they were not comfortable with some of the specialty (non-landscape) work.

As allowed under Section 20166 of the Public Contract Code, staff negotiated with Marina Landscape, Inc. to perform the base bid work, plus Add Alternates A, B, and D. These Add Alternate items will install approximately 175 linear feet of 6 inch recycled water main extension across Milpitas Unified School District property via directional drilling; an outdoor storage shed for the Community Garden as required by the State to insure that only trained personnel can access quick coupler keys; and installs approximately 150 linear feet of 1.5 inch diameter irrigation pipe from Sandalwood Park along the Hetch-Hetchy trail across Kevenaire Drive.

The base bid submitted by Marina Landscape, Inc. is \$561,025, with \$25,095 for Add Alternate Items A, B, and D. Awarding the project base bid with the recommended alternate items brings the total construction contract to \$586,120, which is within the project's budget and no additional budget appropriation is required. The scheduled closing of the Community Garden from November 2016 through February 2017 is unchanged.

As was approved for the successful completion of recent projects with tight completion schedules, staff is requesting the use of the same change order policy. This policy allows for the timely completion of Phase 1 Recycled Water Conversion Sites by March 31, 2017, while addressing the need to respond swiftly to construction conditions in order to limit potential claims or risk to the City. The construction contingency established for this project is \$117,000 and the change order authority would not exceed this amount, and would not require additional appropriation.

This project is categorically exempt under Section 15302(c) (Replacement of Existing Facilities involving negligible expansion of capacity) of the CEQA Guidelines.

Fiscal Impact: None. Sufficient funds are available in the project budgets.

Recommendations:

1. Adopt a resolution awarding a construction contract including Add Alternates A, B, and D to Marina Landscape, Inc. for Phase 1 Recycled Water Conversion Sites Project No. 7126 and No. 3417, in the amount of \$586,120.
 2. Authorize the City Manager to execute the agreement Including Add Alternate Items A, B, and D to Marina Landscape Inc., for Phase 1 Recycled Water Conversion Sites, Project No. 7126 and No. 3417, in the amount of \$586,120.
 3. Authorize the Director of Engineering/City Engineer to execute change orders for Phase 1 Recycled Water Conversion Sites, provided that the change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.
- * 6. **Adopt a Resolution Approving Contractor's Request to Subcontract Bridge Deck Milling Operations for Bridge Improvements - Project No. 4271 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On August 16, 2016 the City Council awarded a \$728,000 construction contract to American Civil Constructors West Coast LLC (ACC) for the improvement of ten City bridges. The contractor is scheduled to start the work in October and be completed in December 2016. A requirement of the work includes the grinding and milling of bridge deck surfaces smooth and clean prior to placement of new deck surface materials. The general contractor, ACC intended to self-perform the deck milling work rather than to utilize a specialty subcontractor, and the bid proposal submitted to the City confirms this intent.

On October 3, 2016, ACC submitted a request to allow them to subcontract the milling operations to Anrak Corporation rather than to self-perform this work task as originally intended. The reason for the request to subcontract is due to a recent accident where ACC's highly specialized grinding equipment suffered a total loss and will require some months to repair or replace the equipment.

The Subletting and Subcontracting Fair Practices Act, codified at Public Contract Code section 4100 et seq., requires bidders on public works projects to list all subcontractors who will perform work in excess of 0.5% of the total bid amount in their bid. Pursuant to Public Contract Code section 4106, if a contractor does not specify a subcontractor for a portion of the work on its bid, that contractor statutorily agrees to self-perform that portion of the work where no subcontractor was designated. The Public Contract Code does have an exception to the subcontracting requirement under section 4109 allowing a prime contractor to subcontract a portion of the work in cases of emergency or necessity. It further requires the adoption of a resolution by the City Council making a finding of the necessity and setting for the support facts for the change in subcontracting.

Staff recommends the City Council adopt a resolution allowing ACC to subcontract the deck milling operations. The machinery used for the deck milling operation is expensive, highly specialized, and is a crew served piece of equipment. The equipment is not an off-the-shelf item nor is it available to rent as standalone equipment without an operations crew. This necessitates the need to subcontract the milling operation of work. The subcontracting of the milling operations will allow ACC to continue with the City's bridge improvement project without delay and to complete the project within the time specified by contract. The use of a subcontractor will not change the City's price for the construction contract.

Alternative: Failure to adopt the resolution would result in delay in the completion of the bridge improvement project until the contractor's milling equipment is repaired.

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

Recommendation: Adopt a resolution making a finding of necessity regarding subcontracting of milling operations to Anrak Corporation for the Bridge Improvements, Project No. 4271.

- * 7. **Adopt a Resolution Authorizing the City Manager to Execute an Agreement for Document Imaging by Piggybacking the City of Saratoga Contract with Peelle Technologies for the Not-to-Exceed amount of \$59,992.50 (Staff Contacts: Mike Luu, 408-586-2706 and Chris Schroeder, 408-586-3161)**

Background: The Building Inspection Department has a backlog of approximately 47,500 microfiche or approximately 500,000 images in need of being converted to Digital Video Disk for long term storage. Price quotes were solicited from three different document imaging companies including BMI Imaging Systems for \$75,000, ECS Imaging, Inc. for \$148,574.00 and Peelle Technologies for \$59,992.50. The Peelle price is based on a contract awarded by the City of Saratoga on July 1, 2010, which is still current. The rates have not gone up in six years and so are very competitive compared to today's market rates, and the service is an excellent match for the needs of this particular City project. The practice of, and requirements for, utilizing a contract bid by another agency are defined and sanctioned under Municipal Code Section I-2-3.07 "Piggyback Procurement." Staff's recommendation to piggyback on the City of Saratoga's contract with Peelle Technologies is in full compliance with those requirements.

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

Recommendation: Adopt a resolution authorizing the City Manager to execute a separate agreement with vendor Peelle Technologies, selected by the originating agency, the City of Saratoga, and incorporate by reference the original solicitation, terms, conditions, and pricing for the not-to-exceed amount of \$59,992.50.

*** 8. Adopt a Resolution Amending the City's Classification Plan Related to Positions in the City Clerk's Office, the Public Works Department and the Recreation Department and Appropriate Funding (Staff Contact: Tina Murphy, 408-586-3086)**

Background: Amendments to the Classification Plan are periodically required to account for organizational changes and changes in job responsibilities. The proposed amendment reflects the following changes:

- 1) The City Clerk's Office seeks to add one Office Assistant I/II to the authorized positions list and to fund a part-time Office Assistant to assist staff with US Passport Application Acceptance program, filing, 3rd floor reception and other office work.
- 2) The Public Works Department is requesting additional resources to assist in operations and maintenance related to Community Facilities District (CFD) No. 2005-1. These resources are a Senior Public Works Lead to assist in leading crews in the Street Maintenance Division and one Maintenance Worker III.
- 3) The Recreation Services Department is requesting two new classifications by reclassifying one Marketing Assistant to Marketing Coordinator and one Public Services Assistant II to Senior Public Services Assistant. The Marketing Assistant role has increased to include projects that for the Recreation Department and city-wide functions. The increased responsibilities demonstrate a need for a higher level classification. The Senior Public Services Assistant is necessary to perform more technical administrative work for the Milpitas Community Center, including assistance with the budget reports and providing software training to staff.

Fiscal Impact: A budget appropriation of \$40,000 from the General Fund into the City Clerk's budget is needed to fund the half-time Office Assistant I/II position for the remainder of Fiscal Year 2016-17.

A budget appropriation from CFD No. 2005-1 fund into the Public Works budget is needed to fund the Senior Public Works Lead position at \$105,000 and \$74,000 for the Maintenance Worker III position for the remainder of FY 2016-17, for a total of \$179,000.

No additional budget appropriations are necessary for the new classification requests for the Recreation budget. The Marketing Coordinator has an annual salary of approximately 17% more than the current Marketing Assistant and the Senior Public Service Assistant has a proposed salary that is approximately 9% more than the Public Services Assistant II. The additional costs for these reclassifications will be off-set by salary savings from other vacancies in the departments.

Recommendations:

1. Adopt the resolution amending the Classification Plan to reflect the budgetary authorization of (1) addition of one half-time Office Assistant I/II in the City Clerk's Office, (2) addition of one Senior Public Works Lead for the Streets Division of the Public Works Department, (3) deletion of one Marketing Assistant in the Recreation Services Department, (4) addition of one Marketing Coordinator to the Recreation Department, (5) deletion of one Public Services Assistant II in the Recreation Services Department, and (6) addition of one Senior Public Services Assistant to the Recreation Department.
2. Approve a budget appropriation in the amount of \$40,000 from the General Fund to the City Clerk's budget for the half-time Office Assistant I/II.
3. Approve a budget appropriation in the amount of \$179,000 from the CFD No. 2005-1 fund to the Public Works budget for one Senior Public Works Lead and one Maintenance Worker III in the Public Works Department.

XVII. AGREEMENT

- * 9. **Approve Amendment No. 4 to the Consultant Agreement with HF&H Consultants for Solid Waste Procurement Services in the Amount of \$138,160 and Approve a Budget Appropriation in the Amount of \$200,000 for CIP No. 3401 (Staff Contact: Marilyn Nickel, 408-586-3348)**

Background: The City's 30-year solid waste collection and disposal agreements with Republic Services expires in September 2017. On December 2, 2014, the City entered into an agreement with HF&H Consultants (HF&H) for \$55,525 to identify and analyze the City's options for obtaining future services. On April 7, 2015, Council chose to conduct a competitive process. On May 5, 2015 and June 16, 2015 staff received Council direction regarding the policies governing and the content of the solid waste services Request for Proposal (RFP). Proposals were received on October 27, 2015 as required in the RFP schedule.

On June 16, 2015, Council approved Amendment No. 1 in the amount of \$49,925 to include the next phase of work, which involved developing a list of proposers, completing development of, and issuing the RFP including two draft agreements, posting the RFP to a dedicated website, responding to proposer questions, and receiving and conducting an initial review of the proposals. On November 17, 2015, Council approved Amendment No. 2 to the Agreement with HF&H in the amount of \$106,800 to allow continuation of work related to initial proposal review for both disposal and collection proposals and to perform most of the work necessary for the evaluation, negotiation and public presentation of information related to the selection of disposal services contractor. On March 1, 2016, Council approved Amendment No. 3 in the amount of \$200,000 to complete the procurement process.

On June 21, 2016, the City Council directed staff to conduct negotiations and secure collection agreements with four of the collection proposers. It is now necessary to amend the consultant agreement to address the next phase of work, which includes additional effort for final contract negotiations and execution, developing an implementation plan, and providing implementation assistance during the next several months. Staff anticipates providing a status update to Council in approximately 6 months. Staff recommends increasing the contract amount by \$138,160, for a total not-to-exceed cost of \$550,410.

In each case, staff recommended use of a phased approach for the consultant work due to unknowns that have included the number and content of proposals that were to be submitted, the extent of the alternatives/exceptions proposed, needs for added public outreach, and Council direction in negotiating agreements with one or more finalist for disposal and for collection.

California Environmental Quality Act: The item is not considered a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change to the environment, as it merely provides for staffing needs to address solid waste procurement services.

Alternative: If the amendment is not approved, engineering staff will not receive additional consulting services to complete implementation of solid waste collection.

Fiscal Impact: A budget appropriation of \$200,000 from the Solid Waste Fund to CIP No. 3401 is necessary to perform this work.

Recommendations:

1. Approve Amendment No. 4 to the consultant agreement with HF&H Consultants for solid waste procurement services in the amount of \$138,160.
2. Approve a budget appropriation in the amount of \$200,000 from the Solid Waste Fund to CIP No. 3401.

XVIII. DEMANDS

- *10. Receive a Report on Emergency Repair of HVAC System at Public Works/Police Department Building and Authorize Payment of Invoices in the Amount of \$17,501.74 to ACCO Engineered Systems (Staff Contact: Nina Hawk, 408-586-2603)**

Background: On June 1, 2016, the Public Works/Police Department building began experiencing extremely warm internal temperatures, which was exacerbated by extremely high temperatures due to heat wave affecting the Bay Area. Following attempts by staff to troubleshoot the HVAC system, Public Works contacted ACCO Engineered Systems.

ACCO determined that chiller #1 had experienced software malfunction, and compressors #1 and #2 had electrical failures and needed replacement of fuses. The repairs to the Public Works/Police Department building chiller and compressors were beyond the scope of the maintenance contract. ACCO replaced the compressors' electrical components and reloaded the chiller's software control system, thereby restoring normal operation of the HVAC system at the Public Works/Police Department building.

The repair of the Public Works/Police Department building HVAC system was an emergency because failure of the HVAC system jeopardized operation of a critical public safety facility.

Fiscal Impact: None.

Recommendation: Authorize payment of invoices in the amount of \$17,501.74 to ACCO Engineered Systems from Capital Improvement Project No. 3406.

- *11. Receive a Report on Emergency Repair of Water Line at Hillview Court and Authorize Payment of Invoices in the Amount of \$20,071.31 to Preston Pipelines (Staff Contact: Nina Hawk, 408-586-2603)**

Background: On August 16, 2016, a major blowout occurred on the 12" asbestos cement water line on the property of 960 Hillview Court in the easement that runs through the parking lot on the east side near the building. Because of the scope of the leak and the condition of the surrounding ground being saturated and unstable over large area, in addition to the proximity of the other underground piping, it was beyond the scope of City staff to conduct repairs on the line. Due to the seriousness of the leak, it needed to be fixed immediately in order to protect public health, prevent further property damage, and reduce significant impact to the businesses on Hillview Court. Preston Pipelines was dispatched to make necessary repairs.

Fiscal Impact: None.

Recommendation: Authorize the City Manager to approve payment in the amount of \$20,071.31 to Preston Pipelines from the Water Maintenance and Repair budget.

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, NOVEMBER 1, 2016**