



**MILPITAS CITY COUNCIL MEETING AGENDA
MAY 1, 2007**

**6:30 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL (6:30 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING
(Pursuant to CA Government Code §54957.6) City Negotiator: Carmen Valdez
Employee Group: Milpitas Employees Association (MEA)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
- III. CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required pursuant to CA Govt. Code §54957.1, including the vote on abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Councilmember Polanski)**
- VI. APPROVAL OF MINUTES (April 17, 2007)**
- VII. SCHEDULE OF MEETINGS/COUNCIL CALENDAR**
- VIII. PRESENTATIONS**

Proclamations:

- Building Safety Week, May 6-12, 2007
- Public Works Week, May 20-26, 2007
- Older Americans Month
- Water Awareness Month
- National Family Month

Certificates of Commendation:

Volunteer Income Tax Assistance Program

Certificates of Appreciation:

Annual Emergency Evacuation Exercise & Mass Feeding Drill (vendors)

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
- XII. APPROVAL OF AGENDA
- XIII. CONSENT CALENDAR (Items with Asterisks*)
- XIV. UNFINISHED BUSINESS
 - 1. Review Additional Information on New Senior Center Funding, Project No. 8176, and Parking Analysis (Staff Contacts: Bonnie Greiner, 586-3227, and Greg Armendariz, 586-3317)
 - 2. Report on the Milpitas Bay Area Rapid Transit Project, Provide Staff Comments and Authorize City Manager to Issue Response Letter to the Santa Clara Valley Transportation Authority (Staff Contact: Greg Armendariz, 586-3317)
 - 3. Receive Report on Funding for Alviso Adobe Project No. 5055 (Staff Contact: Greg Armendariz, 586-3317)
 - 4. Overview of SiliconValleyOnline.Org and SiliconValleyProspector.com, California's First Regional Commercial Data Base Search Tool and Silicon Valley's Business Portal (Staff Contact: Diana Whitecar, 586-3059)
- XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING
 - RA1. Call to Order by the Mayor/Chair
 - RA2. Roll Call
 - RA3. Approval of Minutes (April 17, 2007)
 - RA4. Approval of Agenda and Consent Calendar
 - RA5. Receive Progress Report on Library, East Parking Garage, and Related Projects No. 8154, No. 8161, No. 8162, and No. 8165 (Staff Contact: Mark Rogge, 586-3403)
 - RA6. City of Milpitas Financial Status Report for Nine Months Ended March 31, 2007 (Staff Contact: Emma Karlen, 586-3145)
 - *RA7. City of Milpitas Investment Portfolio Status Report for the Quarter Ended March 31, 2007 (Staff contact: Emma Karlen 586-3145)
 - RA8. Agency Adjournment
- XVI. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES
 - City Council
 - * 5. Approve Mayor Esteves' Recommendations for Appointments/Re-Appointments to City Commissions (Contact: Mayor Esteves, 586-3029)
 - * 6. Approve Mayor Esteves' Recommendation for Appointment of Councilmember to the Valley Transportation Authority Policy Advisory Committee (Contact: Mayor Esteves, 586-3029)
 - Arts Commission

- * 7. Approve the Proposed 2007 Arts Commission Work Plan (Staff Contact: Renee Lorentzen, 586-3231)

Citizens Emergency Preparedness Advisory Commission

- 8. Request for City Council Direction on Citizen Emergency Preparedness Advisory Commission (CEPAC) Recommendation for a New Ordinance Requiring Automatic Gas Shut-Offs on Residences (Staff Contacts: Keyvan Irannejad, 586-3244, and Patricia Joki, 586-3370)

XVII. NEW BUSINESS

- 9. Receive Street Tree Report, and Provide Direction to Staff for Improvements or Enhancements to the City of Milpitas Street Tree Planting Program (Staff Contact: Carol Randisi, 586-2601)
- 10. Approve Bay Area Rapid Transit Station Architecture Design Recommendation to the Santa Clara Valley Transportation Authority (Staff Contact: Felix Reliford, 586-3071)
- * 11. Update on City Attorney Recruitment (Staff Contact: Carmen Valdez, 586-3086)
- * 12. Approve Budget Appropriation for Traffic Management Enhancements, Project No. 4234 (Staff Contact: Jaime Rodriguez, 586-3335)

XVIII. ORDINANCES

- * 13. Waive Second Reading and Adopt Ordinance No. 38.772, to Rezone 28 Sites to “I-S” or “I-TOD-S” (Staff Contact: Cindy Maxwell, 586-3287)
- * 14. Waive Second Reading and Adopt Ordinance No. 48.19 Amending Subsections of Chapter 200 of Title V of the Milpitas Municipal Code Regarding Solid Waste (Staff Contact: Kathleen Phalen, 586-3345)

XIX. RESOLUTIONS

- * 15. Adopt Resolution Authorizing Amendments to City Council Handbook (Staff Contact: Peter Spoerl, 586-3040)
- * 16. Adopt Resolution Authorizing the Collection of an In-Lieu Fee From Private Development for Streetscape Improvements on S. Main Street and S. Abel Street, between Great Mall Parkway and Montague Expressway (Staff Contact: Jaime Rodriguez, 586-3335)
- * 17. Adopt Resolution Granting Initial Acceptance of the Berryessa Pump Station, Project No. 8138 (Staff Contact: Greg Armendariz, 586-3317)
- * 18. Adopt Resolution Requesting the Metropolitan Transportation Commission to Allocate Fiscal Year 2007-2008 Transportation Development Act (TDA) Article 3 Pedestrian / Bicycle Project Funding (Staff Contact: Jaime Rodriguez, 586-3335)

XX. BIDS AND CONTRACTS

- * 19. Approve Extension of Contract for Fire Plan Check Services and Budget Increase Request (Staff Contact: Patricia Joki, 586-3370)
- * 20. Authorize City Manager to Execute the First Amendment to the Agency Agreement with Santa Clara County for the Countywide AB939 Implementation Fee (Staff Contact: Kathleen Phalen, 586-3345)

- * 21. **Authorize the City Manager to Execute the First and Second Amendments to the Agency Agreement with Santa Clara County for the Countywide Household Hazardous Waste Collection Program (Staff Contact: Kathleen Phalen, 586-3345)**
- * 22. **Award the Bid for Street Light Poles and Electroliers to AZCO (Staff Contact: Bart Damele, 586-3162)**
- * 23. **Award the Bid for High Visibility Roadway Markings to Crisp Company (Staff Contact: Bart Damele, 586-3162)**

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MAY 15, 2007, AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils 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 OF THE ORDINANCE,**

CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions:

Bicycle Pedestrian Advisory Commission

Community Advisory Commission

Economic Development Commission (rep. for Hotel Industry)

Mobile Home Park Rental Review Board

Planning Commission

Recycling & Source Reduction Advisory Commission

Applications are available online at www.ci.milpitas.ca.gov or outside the City Council Chambers.

Contact the City Clerk's Office (586-3003) for more information.

AGENDA REPORTS

XIV. UNFINISHED BUSINESS

1. **Review Additional Information on New Senior Center Funding, Project No. 8176, and Parking Analysis (Staff Contacts: Bonnie Greiner, 586-3227, and Greg Armendariz, 586-3317)**

Background: Per Council's direction at the Tuesday, April 17, 2007, City Council meeting, staff will provide a presentation and parking analysis regarding the proposed new Senior Center.

Recommendation: Receive staff report and direct staff accordingly.

2. **Report on the Milpitas Bay Area Rapid Transit Project, Provide Staff Comments and Authorize City Manager to Issue Response Letter to the Santa Clara Valley Transportation Authority (Staff Contact: Greg Armendariz, 586-3317)**

Background: At the January 16, 2007 City Council meeting, the Santa Clara Valley Transportation Authority (VTA) presented station design options for the future Milpitas BART Station located at Montague Expressway and Capitol Avenue. With unanimous approval from the City Council, staff was authorized to submit a comment letter to the VTA stating to only study the retained cut station options, preferably Design C, with a parking garage structure.

The City Manager sent a letter on January 22, 2007 to the VTA General Manager Michael Burns reiterating the City's position on the following items:

- Bus Transit center location to the west side of the BART Station
- Long-term surface parking
- Aerial alignment options
- Site design to include parking structure and a shift in the station north, under Montague Expressway, providing access to the Great Mall of the Bay Area and the Light Rail Capitol line.

On April 12, 2007, the City Manager received a letter from Mr. Burns (copy included in Council packets) responding to each of the City's requests. Agreement responses from the VTA included the renaming of the Montague/Capitol BART station to Milpitas BART station and the removal of all aerial alignment options and forwarding only the retained-cut alignment options for the 65% preliminary engineering design process. VTA was not able to agree to relocating the BART platform northerly, to provide access on both sides of Montague Expressway. Staff recommends a letter to the VTA restating the City's positions on outstanding issues regarding the station layout and site design that need to be addressed prior to the 65% preliminary engineering process.

Recommendation: Receive staff report on the Milpitas Bay Area Rapid Transit Project, provide staff comments and authorize the City Manager to issue a response letter to the VTA General Manager stating the City's positions and recommendations for the 65% environmental design.

3. **Receive Report on Funding for Alviso Adobe Project No. 5055 (Staff Contact: Greg Armendariz, 586-3317)**

Background: At the last City Council meeting, staff was asked to provide a report on a funding proposal for the Alviso Adobe Project. A staff presentation will be provided at the May 1st meeting to provide detail information on specific grants that staff will pursue and other possible funding that may be available for the project.

Recommendation: Provide staff with comments and direction on the Alviso Adobe project and its funding.

4. **Overview of SiliconValleyOnline.Org and SiliconValleyProspector.com, California's First Regional Commercial Data Base Search Tool and Silicon Valley's Business Portal (Staff Contact: Diana Whitecar, 586-3059)**

Background:

Over the last several years, the Silicon Valley Economic Development Alliance (SVEDA), representing Silicon Valley city economic development managers, realized the need to actively promote Silicon Valley as a place friendly to business. With the advent of the 'dot.com bomb' much of the news from Silicon Valley was negative, focusing on the challenges (traffic, housing prices) rather than the continued business opportunities the region continued to offer. The first action, working with Joint Venture Silicon Valley, was the creation of a Silicon Valley website, www.siliconvalleyonline.org. This is the first regional website to provide general information about business in Silicon Valley and create a direct link to the individual cities that make up Silicon Valley.

The next step was the creation of a regional commercial property database that would be easily accessible to site and facility locators. The International Economic Development Council (IEDC) indicates that over 80% of all initial site selection research is conducted over the Internet. Therefore, those cities and regions that do not have data and information easily accessible online, are typically overlooked in site selection. Commercial database development is a critical tool to provide this initial information.

The City of Milpitas created a local online commercial database in the early 2000's as a business retention and recruitment tool. Information Services staff created and managed the property search tool and the City worked with several commercial brokers to provide updated property listings. Over the last few years, the Commercial Property Database has not been operable for periods of time and staff has found it more difficult to keep the properties updated. This is a similar issue that other cities face in the maintenance of local commercial databases.

SVEDA and Joint Venture solicited proposals for development of the regional commercial database and GIS Planning, Inc. of San Francisco was selected to develop the tool. Cities within Silicon Valley and the three counties (Santa Clara, San Mateo and Santa Cruz) agreed to split the costs to develop and operate the system, recognizing that key to its success was a successful partnership with the commercial brokerage community. Joint Venture took the lead working with the Association of Silicon Valley Brokers and the largest broker firms in the area to offer them this free service.

Siliconvalleyprospector.com was launched on March 21st and offers over 5,000 property listings. Not only are property listings available, but specific information about the sites such as photos, zoning, broker contact and amenities also available. Further, a site selector has the ability to create demographic reports and business reports for a particular site. This makes "siliconvalleyprospector.com" a valuable asset in understanding the workforce makeup of the area being searched, census data, spending patterns and other useful information used in site selection.

A city may purchase its own search tool for up to \$40,000, depending on the features desired. In addition to the set up costs, there are ongoing staff costs required to maintain the database and coordinate property downloads with the local brokers and property owners. Another option that Silicon Valley cities have used is property-listing services, such as LoopNet, to provide local listings. Typical costs are about \$5,000/year for the service and users have found that listings are often not up to date and do not include smaller properties. With The Prospector, smaller, individual owners or brokers can list their properties without a fee. The properties are dropped after 90 days, with prior notice to the listing agent. Joint Venture staff work directly with the brokerage houses to secure the property downloads and to trouble shoot any problems that occur.

The cost to Milpitas to participate in The Prospector is less than \$4,000 a year. Staff in the Information Services Department who were in charge of the local database and coordination with the local brokers are now available for other duties and tasks.

The next steps will be to market “siliconvalleyprospector.com” and measure its success over the first year. Initial reaction to the site is strong: “siliconvalleyonline.org” receives over 4,000 hits a month. Since its launch, “siliconvalleyprospector.com” has generated over 2,400 hits and 18,000 page views. The site is a finalist for an Award of Merit from the California Association for Economic Development (CALED) and is being considered for an Annual Award of Excellence from IEDC.

Recommendation: Receive the report on SiliconValleyProspector.com and direct staff accordingly.

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (April 17, 2007)

RA4. Approval of Agenda and Consent Calendar

RA5. Receive Progress Report on Library, East Parking Garage, and Related Projects No. 8154, No. 8161, No. 8162, and No. 8165 (Staff Contact: Mark Rogge, 586-3403)

Background: The Library Subcommittee met on April 16 and heard a progress report on the Library, Garage, N. Main Streetscape and related projects. Construction continues on the library and the garage construction has also begun on the N. Main Streetscape. Staff will provide a brief presentation on the progress of these projects.

Library

A groundbreaking ceremony for the library was held on Saturday, April 28. SJ Amoroso Construction has rough graded the site, established building pads, excavated for footings and set edge forms for the foundations. Work to repair and restore the historic Grammar School building is also underway.

Parking Garage

Devcon Construction Inc. continues with construction of the parking garage. All concrete decks have been installed. Work continues on plumbing, electrical, and steel stairs and rails. Due to the lead time in delivery of metal railing systems, the project completion may need to be extended from August to September.

Recommendation: Receive the oral progress report on the new Library and Parking Garage.

RA6. City of Milpitas Financial Status Report for Nine Months Ended March 31, 2007 (Staff Contact: Emma Karlen, 586-3145)

Background: As of March 31, 2007, the General Fund received approximately \$35.3 million in revenues. The results indicate that the local economy continued to recover and General Fund revenue will most likely exceed original revenue projection. By using trend analysis method to project the remaining three months, staff revised the projection for FY 06-07 to be \$53.5 million, approximately \$3.3 million above the original projection.

However, it should be noted that the FY 06-07 General Fund budget relies on a \$6.1 million loan repayment from the Redevelopment Agency (RDA) to close the budget gap. The City and the

Agency entered into land sale transactions for redevelopment purposes and simultaneously structured a loan for the sales proceeds so that the City may call on the principal and interest at any time. To date, the Agency has not made any repayments towards the loan as the City has deferred the repayment two years in a row. Staff made the recommendation, which was approved by the Council, to demand only the amount necessary from RDA to close out the FY 06-07 budget without using any General Fund reserve and continue to defer any remaining amounts to future years. Staff considers this prudent, as it will preserve Redevelopment funds for redevelopment purposes while avoiding artificially inflating the General Fund reserve balance.

The General Fund expenditures at the end of March were at 70% of the budget appropriations. Departments continued to be conscientious with their spending. Staff believes that with the combination of increased revenue and cost savings on expenditures, the General Fund will most likely close out the FY 06-07 budget year with the requirement of \$1.5 million loan payment from RDA instead of the budgeted \$6.1 million.

The Redevelopment Agency Project Fund is also in a better financial situation than originally anticipated. While tax increment revenue is actually lower than originally projected by approximately \$200,000 primarily due to lower assessed valuation on unsecured properties, the Agency received \$4.5 million from a legal settlement in March of this year. This will provide much needed funding for future Capital Improvement projects.

Recommendation: Receive staff report from the Finance Director

***RA7. City of Milpitas Investment Portfolio Status Report for the Quarter Ended March 31, 2007 (Staff contact: Emma Karlen 586-3145)**

Background: In compliance with California Government Code and the City's Investment policy, the City of Milpitas Investment Report for the quarter ended March 31, 2007 is submitted for your review and acceptance.

The Portfolio Summary Report included in the Council's packet provides a summary of the City's investments by type. It lists the par value, market value, book value, percentage of portfolio, term, days to maturity and the equivalent yields for each type of investment. The Portfolio Details Report provides the same information for each individual investment in the City's portfolio as of March 31, 2007.

As of March 31, 2007, the principal cost and market value of the City's investment portfolio were \$243,810,886 and \$243,318,406 respectively. When market interest rates increase after an investment is purchased, the market value of that investment decreases. Conversely, when market interest rates decline after an investment is purchased, the market value of that investment increases. If the investments are not sold prior to the maturity date, there is no market risk. Therefore, in accordance with the City's investment policy, all investments are held until maturity to ensure the return of all invested principal.

The City's effective rate of return for the period ended March 31, 2007 was 3.90%. The comparative benchmarks for the same period were 4.96% for LAIF (Local Agency Investment Fund) and 4.81% for the 12-month average yield of the 2-year Treasury Note. Excluding the long-term GNMA securities and Repurchase Investment Agreement, the weighted average maturity of the portfolio was 384 days.

The investment portfolio is in compliance with the City's investment policy. A combination of securities maturing, new revenues, and tax receipts will adequately cover the anticipated cash flow needs for the next six months. Cash flow requirements are continually monitored and are considered paramount in the selection of maturity dates of securities.

Recommendation: Receive the investment report for the quarter ended March 31, 2007.

RA8. Agency Adjournment

XVI. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- * 5. **Approve Mayor Esteves' Recommendations for Appointments/Re-Appointments to City Commissions (Contact: Mayor Esteves, 586-3029)**

Background: Mayor Esteves recommends the following Milpitas residents be appointed/ re-appointed:

Library Advisory Commission:

Re-appoint Elpidio Estioko as Alternate No. 1 to a term that expires in January 2009.

Re-appoint Ha Phan as Alternate No. 2 to a term that expires in January 2009.

Bicycle Pedestrian Advisory Commission:

Appoint Cheryl Bunnell (current Alternate No. 1) as a regular member to a term expiring in August 2007.

Recommendation: Move to approve the Mayor's recommended Commission appointments/ re-appointments.

- * 6. **Approve Mayor Esteves' Recommendation for Appointment of Councilmember to the Valley Transportation Authority Policy Advisory Committee (Contact: Mayor Esteves, 586-3029)**

Background: Mayor Esteves recommends Councilmember Polanski serve as the City of Milpitas representative to the Valley Transportation Authority Policy Advisory Committee, which meets monthly in San Jose.

Recommendation: Move to approve the Mayor's recommendation.

Arts Commission

- * 7. **Approve the Proposed 2007 Arts Commission Work Plan (Staff Contact: Renee Lorentzen, 586-3231)**

Background: Pursuant to the Arts Commission (AC) Bylaws, the Arts Commission serves as an advisory body to the City Council on matters pertaining to the arts. The Commission's Mission Statement (in order to enhance the quality of life in its community, the Milpitas Arts Commission shall promote, provide and encourage the arts in the City of Milpitas), encompasses the Commission's vision, values, mission statement and goals in their proposed work plan for 2007.

At the March 26, 2007, Arts Commission meeting, the Commission reviewed a draft 2007 Work Plan which included unaccomplished 2006 Work Plan items. The Commission reviewed the draft Work Plan and added a few additional items the Commission would like to accomplish. Included in the Council's packet is the Arts Commission's proposed 2007 Work Plan for the Council's review and consideration.

Recommendation: Approve the 2007 Arts Commission Work Plan.

Citizens Emergency Preparedness Advisory Commission

- 8. Request for City Council Direction on Citizen Emergency Preparedness Advisory Commission (CEPAC) Recommendation for a New Ordinance Requiring Automatic Gas Shut-Offs on Residences (Staff Contacts: Keyvan Irannejad, 586-3244, and Patricia Joki, 586-3370)**

Background: At the last meeting of the Citizen Emergency Preparedness Advisory Commission (CEPAC), the Commission made a motion to request staff to develop an ordinance to require gas shut-off devices on residential development. Staff is seeking direction from Council on this request from CEPAC.

Recommendation: Obtain direction from City Council and proceed accordingly.

XVII. NEW BUSINESS

- 9. Receive Street Tree Report and Provide Direction to Staff for Improvements or Enhancements to the City of Milpitas Street Tree Planting Program (Staff Contact: Carol Randisi, 586-2601)**

Background: At the request of Councilmember Giordano, a staff presentation will be provided to address the concerns regarding the need to “re-forest” street trees in older Milpitas residential neighborhoods, which over the years have lost the original street trees.

Recommendation: Receive street tree report, and provide staff direction for improvements or enhancements to the City of Milpitas Street Tree Planting Program.

- 10. Approve Bay Area Rapid Transit Station Architecture Design Recommendation to the Santa Clara Valley Transportation Authority (Staff Contact: Felix Reliford, 586-3071)**

Background: As part of the BART to Milpitas, San Jose, Santa Clara project, the Valley Transportation Agency (VTA) station design consultant will present two detailed architectural design theme concepts for the BART Milpitas Station at Montague Expressway and Capitol Avenue. City staff had two meetings with VTA staff to preview and provide input on design, protocol and schedule.

Public meetings were hosted in Milpitas to gather input from the community on these dates:

- Public Art Committee - March 26
- Milpitas Planning Commission - March 28
- City Council Transportation Subcommittee - April 5
- Milpitas BART Community Working Group - April 10

Minutes are attached to provide comments from each public meeting. Comments included attention to the naming of the station to Milpitas (currently in process by the VTA), site access, art opportunities, and sustainable design. The Milpitas preferred station architecture design theme will be part of the BART project 65% preliminary engineering plans, which will be adopted at the June 7, 2007 VTA Board of Directors meeting.

Recommendation: Approve the BART Station staff-preferred architectural design, as recommended by the Public Art Committee, Planning Commission, and Council’s Transportation Subcommittee.

- * 11. Update on City Attorney Recruitment (Staff Contact: Carmen Valdez, 586-3086)**

Background: On April 12, 2007 the City Attorney subcommittee met to discuss the recruitment of the City Attorney. Staff presented to the subcommittee a “draft” announcement which included the timeline and the process. The approved timeline is:

- Week of June 4 – Resumes Due
- Week of June 11 – Screening of Resumes
- Week of June 25 – Initial interviews with City Attorney Subcommittee and attorney panel
- August 8-10 – City Council Final Interviews
- August 21 – Selection Made
- Week of September 4 - Desired Start Date

Staff is working on the brochure and will advertise in *Western City* magazine along with various other agencies.

Recommendation: Receive staff report on the recruitment process to date.

- * 12. **Approve Budget Appropriation for Traffic Management Enhancements, Project No. 4234 (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: The City submitted a grant proposal to the Metropolitan Transportation Commission (MTC) for the allocation of fiscal year 2006-07 Transportation Development Act (TDA) – Article 3 funding on May 23, 2006 in the amount of \$51,307. The proposal was approved and the funds will be used to construct ADA-compliant pedestrian ramps, pedestrian activated flashing beacons and high visibility pedestrian signs and marking along Suggested Routes to Schools. The City Council approved Resolution No. 7585 on May 20, 2006 indicating City support of the project.

Recommendation: Approve a budget appropriation of \$51,307 from TDA grant to Traffic Management Enhancements, Project No. 4234.

XVIII. ORDINANCES

- * 13. **Waive Second Reading and Adopt Ordinance No. 38.772, to Rezone 28 Sites to “I-S” or “I-TOD-S” (Staff Contact: Cindy Maxwell, 586-3287)**

Background: On April 17, 2007, the City Council waived the first reading beyond the title and introduced Ordinance 38.772 to rezone 28 different sites to either the “I-S” or “I-TOD-S” Institutional zoning district as indicated in Exhibit A, an attachment to the Council agenda. All the parcels are owned by public agencies and the rezoning will more accurately reflect the actual or planned use of the sites.

Recommendation: Waive the second reading and adopt Ordinance No. 38.772 for Zoning Change No. ZC2007-4.

- * 14. **Waive Second Reading and Adopt Ordinance No. 48.19 Amending Subsections of Chapter 200 of Title V of the Milpitas Municipal Code Regarding Solid Waste (Staff Contact: Kathleen Phalen, 586-3345)**

Background: Ordinance No. 48.19 was introduced at the April 17, 2007 City Council meeting. Various sections of the Milpitas Municipal Code (MMC) Title V, Chapter 200, have been revised to conform to the State regulations for solid waste handling, as adopted by California Integrated Waste Management Board, or to clarify ambiguities in the existing ordinance.

Proposed text revisions to the code include:

1. Allowing owner designation of an agent to be responsible for owner’s compliance with MMC requirements,
2. Removing existing exception for trash compactors from weekly collection requirement,
3. Allowing additional fees for collection services requiring non-standard collection equipment and/or additional labor,

4. Specifying license and permit requirements for contract collection services, and
5. Revising contractor performance bond requirements.

Recommendation: Waive the second reading and Adopt Ordinance 48.19 amending sections of Chapter 200, Title V, of the Milpitas Municipal Code, regarding solid waste management.

XIX. RESOLUTIONS

- * **15. Adopt Resolution Authorizing Amendments to City Council Handbook (Staff Contact: Peter Spoerl, 586-3040)**

Background: At the April 17 City Council meeting, Council discussed the possibility of amending the City Council Handbook to clarify the role of the Vice Mayor with respect to ceremonial functions and engagements in the absence of the Mayor. By a voice roll call of 4-1, the Council voted to amend the section setting forth the Mayor's duties and responsibilities, adding language to provide that in the event the Mayor cannot attend a ceremonial event, the Vice Mayor shall serve in his or her stead, and that in the event neither the Mayor or Vice Mayor can attend, the role would be filled by one of the remaining Councilmembers on a rotating basis.

The relevant provisions of the City Council Handbook are set forth on Page 3 of the Handbook. Under the section titled Mayor, the Handbook provides that “[t]he Mayor is the official head of the City of Milpitas for all ceremonial purposes.” The handbook currently provides that the Mayor presides at all Council meetings, and that in the absence of the Mayor, the Vice Mayor is the presiding officer. The draft resolution (in the agenda packet) would add language to the “Mayor” section providing that in the Mayor's absence, the Vice Mayor shall be the official head of the City for ceremonial purposes, and that in the event that both the Mayor and Vice Mayor are absent, the remaining Councilmembers shall serve in that capacity on a rotating basis as administered by City staff.

Also, staff recommends two minor edits on Page 8 to correct the website address in third paragraph to end with “.gov” (not .us) and on Page 9 in the second to last paragraph, note each speaker will be allocated three minutes (not two).

Recommendations: To amend the City Council Handbook: (1) adopt a Resolution to provide that the Vice Mayor shall serve as the ceremonial head of the City in the Mayor's absence, and that, in the event both the Mayor and Vice Mayor are absent, one of the remaining City Council members shall serve as the ceremonial head of the City on a rotating basis to be administered by City staff; and (2) move to approve minor edits to pages 8 and 9.

- * **16. Adopt Resolution Authorizing the Collection of an In-Lieu Fee From Private Development for Streetscape Improvements on S. Main Street and S. Abel Street, between Great Mall Parkway and Montague Expressway (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: The S. Main St. Plan Line Study was adopted by City Council on March 20, 2007 and identifies preferred streetscape enhancements for S. Main St. and S. Abel St. between Great Mall Parkway and Montague Exp. The S. Main St. Plan Line Study was prepared to help coordinate the off-site improvements and access requirements for private development occurring within the project area in efforts to provide consistency and uniformity in construction while also helping to create a new and unique pedestrian/bicycle focused residential district in the City that promotes connections with public transit. Improvements include landscaped median islands, pedestrian-scale lighting improvements, preferred street tree and planting configurations, and public transit improvements.

As discussed in the study, public-private partnerships with active development should be pursued to help construct improvements where possible. When public-private partnerships are not feasible, an In-Lieu Fee of \$270 per Average Daily Trip generated by the new development should be collected to help create partnerships with other development projects or to help fund

Capitol Improvement Program projects necessary to “close the gaps” in streetscape improvements identified in the plan. Public-private partnerships should be pursued for any developer whose primary access to new developments requires the construction of median islands to help facilitate safe vehicle and pedestrian access from their site onto S. Main St. or S. Abel St. The fee includes an annual escalation fee for inflation of 5% beginning January 1, 2008.

Recommendation: Adopt Resolution authorizing the collection of an In-Lieu Fee from Private Development for Streetscape Improvements on S. Main St. and S. Abel St. between Great Mall Parkway and Montague Expressway.

*** 17. Adopt Resolution Granting Initial Acceptance of the Berryessa Pump Station, Project No. 8138 (Staff Contact: Greg Armendariz, 586-3317)**

Background: This project provided improvements to the existing Berryessa Stormwater Pump Station including removal of existing and installation of three new diesel motors and pumps, new electric jockey motor and improvements to the pump station necessary for the continued operation of the facility.

The City Council awarded the project to Anderson Pacific Engineering Construction, Inc. on April 18, 2006. The project has been successfully completed, and staff recommends that Council grant an initial acceptance and authorize the reduction of the contractor’s faithful performance bond to 10% of the contract amount or \$581,640.00.

Recommendation: Adopt resolution granting initial acceptance of Project No. 8138, subject to the one-year warranty period and reduction of the faithful performance bond to \$58,164.

*** 18. Adopt Resolution Requesting the Metropolitan Transportation Commission to Allocate Fiscal Year 2007-2008 Transportation Development Act (TDA) Article 3 Pedestrian / Bicycle Project Funding (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: The Metropolitan Transportation Commission (MTC) 2007-2008 Transportation Development Act (TDA) Article 3 Program funding cycle provides each County a “guaranteed” share for bicycle and pedestrian improvements based on the December 2005 California Department of Finance population projections. The Santa Clara Valley Transportation Authority (VTA) administers the County’s share through a formal program funding publication application process. For FY 2007-2008, Milpitas’ share is \$38,776. The City of Milpitas submitted an application to update the Bicycle Master Plan and map from the 2003 versions.

Recommendation: Adopt Resolution requesting the Metropolitan Transportation Commission (MTC) allocation of FY 2007-2008 TDA Article 3 Pedestrian and Bicycle Project Funding.

XX. BIDS AND CONTRACTS

*** 19. Approve Extension of Contract for Fire Plan Check Services and Budget Increase Request (Staff Contact: Patricia Joki, 586-3370)**

Background: In May 2006, KB Home requested a dedicated fire inspector to perform fire inspections at the Elmwood and Terra Serena project sites. To accommodate this request, the Fire Department contracted out less complicated plan reviews to free-up existing staff workload, so that the necessary inspections could be performed.

Funding for this program is close to being depleted, and KB Home would like to extend this agreement to complete their projects. Fire Department staff can again accommodate this request and estimate the cost of the service to be \$42,880.

Fire staff requests the Department's budget to be increased by \$29,751 to pay for contractual plan review services.

Recommendation: Approve a budget request increase of \$29,751 to pay for extending contract services between the City and CSG Consultants, Inc. Contract form is subject to review by the City Attorney.

- * 20. **Authorize City Manager to Execute the First Amendment to the Agency Agreement with Santa Clara County for the Countywide AB939 Implementation Fee (Staff Contact: Kathleen Phalen, 586-3345)**

Background: This request is to approve amendment of an agreement with Santa Clara County for the Countywide Household Hazardous Waste (HHW) Program. All participating agencies within the county must approve the amendment before July 1, 2007, to continue County collection of the AB939 fees for the HHW program.

Council approved the original agreement with Santa Clara County on April 18, 2006. The agreement, entitled “Agency Agreement for Countywide AB939 Implementation Fee,” established landfill fees for FY06-07, 07-08 and 08-09. The County is now requesting an increase to the FY07-08 fee of \$.20, bringing it from \$3.35 to \$3.55 per collected ton. This fee increase is shown in the amendment, entitled “First Amendment to the Agency Agreement for Countywide AB939 Implementation Fee.”

Recommendation: Authorize City Manager to execute the First Amendment to the Agency Agreement with Santa Clara County for the Countywide AB939 Implementation Fee, subject to approval as to form by the City Attorney.

- * 21. **Authorize the City Manager to Execute the First and Second Amendments to the Agency Agreement with Santa Clara County for the Countywide Household Hazardous Waste Collection Program (Staff Contact: Kathleen Phalen, 586-3345)**

Background: This request is to approve two amendments to an agreement with Santa Clara County for the Countywide Household Hazardous Waste Program. All participating agencies within the county must approve these amendments before July 1, 2007, to continue Countywide household hazardous waste (HHW) programs.

Council approved the original agreement with Santa Clara County on April 18, 2006. This agreement, entitled “Agency Agreement for Countywide Household Hazardous Waste Collection Program,” provides for collection of HHW from residents and small (business) generators in Santa Clara County. The Integrated Waste Management Program for Santa Clara County collects landfill tipping fees (AB 939 fees) from waste haulers on behalf of all jurisdictions within the County to fund county and local solid waste reduction activities. Estimated FY07 AB939 fees collected for Milpitas are \$152,553. Of this, \$73,828 is budgeted to fund HHW program participation for up to 3%, or approximately 543, of Milpitas households.

The first amendment, entitled “First Amendment to the Agency Agreement for Countywide Household Hazardous Waste Collection Program,” provides for \$7,000 supplemental funding from City of Milpitas for the HHW program. Over the past year, Milpitas’ participation has increased beyond the 3% baseline. This supplement will pay for an additional 100 households to cover Milpitas’ increased participation. There are sufficient funds in the Engineering Department’s operating budget to cover the \$7,000 cost.

The second amendment, entitled “Second Amendment to the Agency Agreement for Countywide Household Hazardous Waste Collection Program,” provides supplemental funding of \$7,000 for FY 2007–08 program participation above the 3% baseline. Next year’s participation is expected to remain at least as high as that seen in FY 2006-07. There are sufficient funds in the Engineering department’s operating budget to cover the \$7,000 cost for next year’s program. Additionally, the proposed second amendment includes the HHW event schedule for FY 2007-08.

Recommendation: Authorize the City Manager to execute the First and Second Amendments to the Agency Agreement with Santa Clara County for the Countywide Household Hazardous Waste Collection Program, subject to approval as to form by the City Attorney.

* 22 **Award the Bid for Street Light Poles and Electroliers to AZCO (Staff Contact: Bart Damele, 586-3162)**

Background: On April 4, 2007, staff went out to bid for street light poles and lighting fixtures for City wide traffic light and traffic signal maintenance. The bid was advertised in the Milpitas Post, mailed to six vendors on the City's vendor data base, and posted on the City's website. Three vendors responded.

Following are the bids received:

<u>Bidder</u>	<u>Total Bid</u>
AZCO	\$26,764.81
Reliapole Solutions, Inc.	\$27,429.37*
GE Supply	\$31,315.37

*Did not bid on all line items.

Funds are available from Capital Improvement Project No. 4109 - Street Light and Signal Pole Painting for this purchase.

Recommendation: Award the bid and authorize the City Manager to issue a Purchase Order to AZCO to provide street light poles and electroliers for the not to exceed amount of \$26,764.81.

* 23 **Award the Bid for High Visibility Roadway Markings to Crisp Company (Staff Contact: Bart Damele, 586-3162)**

Background: On March 29, 2007 staff went out to bid for high visibility roadway markings for six intersections in the City. The bid was mailed to five vendors on Purchasing's vendor list, advertised in the Milpitas Post and on the City web page. The work consists of removing existing crosswalk and roadway markings and replacing them with a more highly visible and more durable thermoplastic application.

Following is a recap of the two bids received:

<u>Bidder</u>	<u>Total Bid</u>
Crisp Company	\$27,780.00
Riley's Stripping, Inc.	\$37,005.00

Funds are available from Capital Improvement Project No. 4234 - Minor Traffic Projects for this contract.

Recommendation: Award the bid for High Visibility Road Way Markings to Crisp Company and authorize the City Manager to sign a contract for the not to exceed amount of \$27,780.00, subject to approval as to form by the City Attorney.

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MAY 15, 2007, AT 7:00 P.M.**