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Date: May 29, 2007
To: Honorable Mayor and City Council
Through: Thomas C Williams, City Manager
From: Emma Karlen, Director of Financial Services
Prepared by: Rosemary Beltran, Administrative Analyst II
Subject: 2007-08 Proposed Budget Modification Sheet

The following revisions are proposed to the 2007-08 Operating Budget due to errors, omissions or revisions identified after the documents were printed. These changes will be incorporated into the Final Budget document. In addition, staff included the attached responses by the City Engineer and Human Resources Director to the questions raised by the City Council during the Budget Hearing.

Item No.	Page No.	Revision	Increase (Decrease) To Fund Balance
1.	106	RDA & Economic Development's Performance Measures: remove meet schedule for installing local identifier sign and hold brokers tours and substitute with Business to Business Sales Tax Revenue (millions) and R&D Vacancy Rate respectively. (The statistics are shown on the attached sheet).	N/A
2.	110	Building & Safety's Performance Measures: Add Percentage of plan check turnaround time within 2-6 weeks (depending on project size). The target is 95%. (The statistics are shown on the attached sheet).	N/A
3.	138	Planning & Neighborhood Services' Performance Measures: Add Percentage of routine development entitlement application completed within three months. (Target 90%). (The statistics are shown on the attached sheet). Correct FY 04-05 and FY 05-06 statistics for performance measure: Customer service requests/violations abated to 1,620 and 1,802 respectively.	N/A N/A
4.	146	Police's Performance Measures: Add Parent Drug Awareness Presentations. (The statistics are shown on the attached sheet).	N/A

RDA & Economic Development

	Customer Service	Enhanced Quality of life	Invest in Employees	Fiscally Responsible	Public health and safety
2006-2007 Accomplishments					
1. Approved Redevelopment Plan Merger Amendments.				X	X
2. Completed Development Agreement and Ground Lease with Santa Clara County for new medical center and parking garage.		X		X	X
3. Implemented "Welcome To Milpitas" promotional campaign with street banners and airport signage.		X			
4. Identified sites for new minor gateway signs.		X			
5. Sponsored local business counseling services with the Small Business Dev Ctr.	X				
6. Hosted 2 nd "Doing Business in Milpitas" workshop with over 100 attendees.	X				
7. Launched "SiliconValleyProspector.com" a regional commercial property database that includes Milpitas properties.	X			X	
8. Introduced a "Shop Local" program and initiated outreach to the residents.	X			X	
9. Hosted 1 st Hotel meeting with Chamber and City to create ways to work together to strengthen business.	X	X		X	
2007-2008 Goals					
1. Complete Midtown Precise Plan.		X		X	
2. Introduce Economic Development Web page connection from City's website.	X			X	
3. Install three minor gateway signs.	X	X			
4. Complete Branding Stakeholder recommendations.	X			X	
5. Continue to represent Milpitas in Silicon Valley Economic Development Alliance, Chamber of Commerce activities, NOVA and commercial broker community.	X				
6. Continue marketing and promotional activities consistent with the Economic Strategic Action Plan.	X	X		X	
7. Complete Parking Analysis and make recommendations to City Council.	X	X			
8. Create program for freeway signage and make recommendations to City Council for business participation.	X	X			
9. Implement Public Art Master Plan.		X			

Performance Measures	Actual 2004-05	Actual 2005-06	Projected 2006-07	Estimated 2007-08
Establish baseline Econ Dev Web hits.	N/A	N/A	Create base	50% increase
Customer Service Survey of Economic Development	N/A	N/A	90% rating	90% rating
Corporate Outreach Visits	N/A	N/A	8 to 12	8 to 12
Meet schedule for Midtown Precise Plan and public relations program	N/A	N/A	90% of schedule	90% of schedule
Business to Business Sales Tax Revenue (millions)	N/A	\$3.77	\$3.53	\$3.70
R&D Vacancy Rate	N/A	23.1%	23.5%	18.0%
Select Library Artist	N/A	N/A	N/A	Artist selected

Building and Safety

	Customer Service	Enhanced Quality of life	Invest in Employees	Fiscally Responsible	Public health and safety
2006-2007 Accomplishments					
1. Continued cross-training and training of staff to improve efficiency and consistency of permit process.	x		x	x	
2. Continue implementation of new permitting software and development of "On-Line" permit process allowing residents and commercial customers easier and faster access to permit information.	x			x	
3. Created handouts for residential and commercial customers to help them better understand submittal and construction requirements.	x				x
4. Compared our process with neighboring cities and improved our services to meet and exceed highest standards of other Building Departments.	x		x	x	
5. Organized "plan check by appointment" services for medium size projects.	x	x			
6. Participated in meetings with community members and industry organizations to help them better understand function of the Building and Safety.	x				x
2007-2008 Goals					
1. Continue to enhance Building Division and construction related information on the web site and develop informational handouts for the public.	x				x
2. Improve submittal requirements by consolidating requirements of all Departments in one document.	x				x
3. Continue to provide assistance to Fire Department and building owners for emergency incidents.	x				x
4. Continue and expand safety education programs, such as Building Safety Week, for the community.	x	x			x
5. Complete implementation of permitting software for permit processing and inspection, and "On-Line" permitting.	x			x	
6. Continue to provide plan checks and inspections outside business hours when requested by customers.	x	x			x

Performance Measures	Actual 2004-05	Actual 2005-06	Projected 2006-07	Estimated 2007-08
New Construction Valuation (Millions)	\$122	\$230	\$170	\$170
Total Building Permits Issued/Avg. Permits issued per Day	3,156/4	3,788/7	3,500/8	3,500/8
Total Plan Checks Performed/% Express Plan Checks Performed *	650/48	1,181/48	1,000/60	1,000/60
Percentage of plan check turnaround time within 2-6 weeks (depending on project size)	95%	95%	95%	95%
Number of Customers Served/Avg. Waiting Time in minutes	8,308/5	8,455/5	7,500/3	7,500/3
Daily Inspections per Inspector/Avg. Min. **	10/45	10/45	11/40	11/40
% Customer Survey rating Excellent/Good	90/10	91/9	95/5	95/5

NOTE: *Express projects performed over the counter/same day. **Inspections (building and misc.) Include inspection time, travel, paperwork, computer input and phone calls.

Planning & Neighborhood Services

	Customer Service	Enhanced Quality of life	Invest in Employees	Fiscally Responsible	Public health and safety
2006-2007 Accomplishments					
1. Completed entitlements for 380 new housing units.		X			
2. Completed Phase II of Transit Area Specific Plan.		X		X	
3. Completed ordinance amendments to facilitate Farmers' Market locating a new site.	X	X			
4. Resolved over 1,560 code violations and reduced response time from 8 to 5 days.	X	X			X
5. Completed five Owner Participation Agreements for 261 affordable housing units.		X			
2007-2008 Goals					
1. Begin implementation of Transit Area Specific Plan.		X		X	
2. Complete Housing Marketing Study.				X	
3. Complete HUD's CDBG 5-Year Consolidated Plan.		X			
4. Complete development of impact and Community Facility District fees for Transit Area Specific Plan developments.	X	X		X	
5. Successful transition from current permit-tracking system to CRW system.	X		X		

Performance Measures	Actual 2004-05	Actual 2005-06	Projected 2006-07	Estimated 2007-08
Applications to Planning Commission	120	150	165	165
New building square footage/number of housing units approved	59,000/ 1,600	88,700/ 585	323,960/ 1,260	323,960/ 1,260
Planning Division customer contacts	3,270	3,270	3,850	6,000
Percentage of routine development entitlement application completed within three months. (Target 90%)	90%	90%	90%	90%
Customer service requests/violations abated	1,62	1,62	1,960	1,600
Days to abate graffiti on private property	10	10	7	9
Abandoned vehicles abated	337	337	380	380
% complaints responded to within 5 days	98%	98%	100%	100%
Affordable housing units approved	223	260	135	200

Police

	Customer Service	Enhanced Quality of life	Invest in Employees	Fiscally Responsible	Public health and safety
2006-2007 Accomplishments					
1. Reduced crime by 1.64% in 2006.		x			x
2. Reduced violent crime by 6.7%, to a 30-year low of 2.79 incidents per 1,000 residents.		x			x
3. Response times to emergency calls reduced by 13% to 3:05, a 6-year low.	x	x			x
4. Provided 130 car seat safety presentations, an increase of 17%.	x	x			x
5. Maintained 100% compliance with registration requirements by known sex offenders.		x			x
6. Implemented the automated property system.	x		x	x	
7. Implemented Pedestrian Safety decoy program.		x			x
8. Established Internet Safety presentations for parents and children.	x	x			x
2007-2008 Goals					
1. Reduce residential burglaries by 2%.					x
2. Reduce collisions by 2% through directed traffic enforcement during peak school and commute hours.					x
3. Ensure 100% registration by known sex offenders.					x
4. Implement the on-line reporting system.	x		x	x	
5. Expand implementation of Parent Drug Awareness programs.	x	x			x
6. Expand Student Valet program to all MUSD elementary schools	x	x			x

Performance Measures	Actual 2004-05	Actual 2005-06	Projected 2006-07	Estimated 2007-08
Avg. response time to emergency calls (minutes)	3:44	3:12	3:06	3:10
Percentage of 9-1-1 calls answered by a dispatcher within 10 seconds	98%	99%	99%	99%
Percentage of public requests for report information completed within two days	N/A*	96%	96%	96%
Number of anti-terrorist Patrol checks	10,664	12,813	12,300	12,300
Number of accidents involving school children at intersections staffed by Crossing Guards	0	0	0	0
Parent Drug Awareness Presentation	2	2	4	6
DARE presentations: schools/students	14/1,579	13/1,538	14/1,572	13/1,540
Community presentations	180	179	190	200
Number of vehicle citations issued	14,453	14,161	10,624	11,000
Number of arrests reported to FBI (all crimes)	3,238	3,512	3,334	3,265

*Data not captured in previous years

MEMORANDUM

Engineering Division



To: Emma Karlen, Finance Director and Tom Williams, City Manager

From: Greg Armendariz, City Engineer/Public Works Director

Subject: Budget Hearing – Engineering response to comments (Errata Sheet)

Date: May 22, 2007

Question:

Mayor Esteves: He is concerned about the PCI (pavement condition index) declining. What will happen to the street conditions?

Response:

Future street conditions are directly dependent on the amount of funding available for repairs and street resurfacing. Asphalt prices have doubled recently, from approximately \$45 per ton three years ago to \$95 to \$105 per ton today. Yet, State gas tax revenues, which Milpitas receives, for funding the resurfacing program, have remained constant at approximately \$1.2 million per year. Other Cities, like Santa Clara, now are utilizing General Fund revenues in order to supplement the State revenues for street resurfacing, and maintain their PCI values.

In order to meet this challenge, staff is aggressively pursuing other outside funding sources like the State Proposition 1B funds, which the State will begin to disburse in FY07-08. The street resurfacing program is very important to Milpitas, and staff will continue to provide the CIP Subcommittee and Council with progress updates.

Question:

Councilmember Polanski: What customer awareness outreach on the 10% volunteer water reduction program has occurred?

Response:

The outreach information and outreach efforts to date, have been through the media, from our water wholesaler, San Francisco Public Utilities Commission (SFPUC.) City staff has just received copies of the outreach materials, which SFPUC created, and we will be placing this information on the City's webpage and cable channel.

Question:

Councilmember Polanski: Engineering's Performance measures should add the number of grants awarded and \$.

Response:

Staff will provide these measures in future reports to the CIP subcommittee and Council, and in next year's budget document.

MEMORANDUM

Department of Human Resources



To: Thomas Williams, City Manager
From: Carmen Valdez, Human Resources Director
Subject: Errata Memo
Date: May 24, 2007

Customer Service Survey: The Human Resources Department is currently working on finalizing a internal customer satisfaction survey. The purpose of the survey is to be able to see how we are doing and respond to employee concerns. This will be included as part of the Performance Measure for 2007/08 budget.

Medical Insurance Premiums: As part of the City's strategic plan the Human Resources Department will be presenting to the City Council alternatives to cost sharing by employees for the continual rising medical premium rates. The goal is to continue to provide our employees with comparable medical coverage while reducing the City's expenses.

CC: Emma Karlen

City of Milpitas

Department of Financial Services



Date: May 22, 2007

To: Honorable Mayor and City Council

Through: Tom Williams, City Manager

From: Emma C. Karlen, Director of Financial Services

Subject: Evidence in support of Health & Safety Code §33445 Findings

Background:

The purpose of this report is to offer evidence to the Milpitas Redevelopment Agency Board and to the City Council, supporting findings that are consistent with the requirements of Cal. Health and Safety Code §33445. With the consent of the legislative body, the Agency may pay all or part of the value of the land and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside the project area, if the legislative body determines the following:

1. That the buildings, facilities, structures, or other improvements are of benefit to the project area or the immediate neighborhood in which the project is located.
2. That no other reasonable means of financing the buildings, facilities, structures, or other improvements, are available to the community.
3. That the payment of funds for acquisition of land or the cost of buildings, facilities, structures, or other improvements will assist in the elimination of one or more blighting conditions inside the Project area, or provide housing for low or moderate-income persons and is consistent with the Implementation Plan.

Several of the projects to be financed by the Agency in the 2007-2008 Capital Improvement Program are either ongoing projects or have been identified in earlier Capital Improvement Programs. H&S §33445 findings for these projects have been made in previous years. Community Redevelopment Law changed in 1994 as a result of the passage of AB1290; specific blight findings are now required. Consequently, this report will reference many of the physical and economic conditions that cause blight as described in Health & Safety Code §33031 and how the financing of the projects listed will assist in the elimination of blighting conditions inside the Project Area.

Discussion:

The buildings, facilities, structures, or other improvements proposed to be funded in whole or in part by the Agency are enumerated in the 2007-2012 Capital Improvement Program. They are categorized as Community Improvement Projects, Park Improvement Projects, Street Improvement Projects, and Utility Improvement Projects. The proposed format and amounts of financing for these projects for fiscal year 2007-2008 are outlined in the 2007-2012 Capital Improvement Program.

Community Improvements

Project	Blighting Conditions	Improvements
Range Lead Containment System	Without proper containment of the lead from the bullets, the lead could potentially contaminate the soil, making it environmentally unsafe for the community who live in the vicinity of the shooting range.	This project will fund the construction of an environmentally safe bullet containment system at the Milpitas Police Shooting Range. This project will include grading and other improvements to the site, as well as the installation of bullet trap equipment. This project will eliminate conditions of an unsafe or unhealthy site.
City Building Improvements	Many of the City Buildings that are located inside or adjacent to the Project Area are seismically inadequate and ADA non-compliant. These buildings are unsafe and unhealthy for employees, citizens and community groups to work or use.	This project provides for the necessary electrical upgrades and renovations that will bring the City buildings up to code. These improvements will eliminate the conditions of the buildings that are unsafe and unhealthy for people to work or use.
Corporation Yard Canopies	The Corporation Yard is immediately adjacent to the Project Area and provides significant benefits to the Project Area by its maintenance activities for streets, parks, and utilities. Metal canopies are necessary to cover the vehicle fueling station located in the Corporation Yard to prevent the discharge of pollutant from the chemical fill and wash areas to the storm water system when it rains.	This project will install metal canopies in the Corporation Yard to cover the vehicle fueling station to ensure that rainwater does not cause the chemical fill and wash areas to discharge pollutant to the storm water system. This project will eliminate conditions of an unsafe or unhealthy site.
In-Ground Water Clarifiers	The four Fire stations located either in the Project Area or immediately adjacent to the Project Area provide significant benefits to adjoining residential areas and immediate neighborhood. Currently, fire apparatus that require washing with detergents must be washed at the Corporation Yard as the Fire Stations do not have in-ground water clarifiers that prevent the run-off of water detergents to enter the storm drain system.	This project provides for the design and installation of in-ground water clarifiers at each fire station. The improvement allows the apparatus to be in service from their primary assigned response district, thus allows the fire department to achieve the best response time. This project will eliminate factors that hinder the economically viable use or capacity of buildings or lots, by improving the water recycling system in the fire stations that serve the Project Area.
Senior Center	The Senior Center provides recreational and nutritional services for senior citizens throughout the City. Its new location in the Project Area will benefit low and moderate-income senior citizens in the neighborhood. Mold was discovered in various locations in the former Senior Center. The building was unsafe and unhealthy for employees, citizens and community groups to work or use.	The project provides for the design and construction of a new Senior Center by remodeling an existing Library building. The new Senior Center facility will include interior modifications, restroom and kitchen facilities, building code upgrades and other improvements to support current and future senior facility programming. The project will also eliminate blighting conditions of inadequate recreational facilities and enhance property values of neighboring low and moderate income homes.

Street Improvements

Project	Blighting Conditions	Improvements
Dixon Landing Road /I-880 Interchange	Within the Project Area's commercial and industrial zone, there are high business turnover rates and excessive vacant lots partly due to inadequate transportation infrastructure.	This project includes the construction of a full interchange at Dixon Landing Road and I-880. It provides access to the industrial parks to the west of I-880 and improves the access from the east. All the construction work has been completed. The remaining work includes right of way transfer to Caltrans. The arterial roadway improvement will eliminate blight by providing for adequate transportation infrastructure, traffic circulation and control devices to promote commercial growth within the Project Area.
Highway 237 /I-880 Interchange	Within the Project Area's commercial and industrial zone, there are high business turnover rates and excessive vacant lots partly due to inadequate transportation infrastructure.	This project designed and constructed the 237/880 interchange through a cooperative agreement between the City of Milpitas and Santa Clara County Traffic Authority. The arterial roadway improvement will eliminate blight by providing for adequate transportation infrastructure, traffic circulation and control devices to promote commercial growth within the Project Area. The construction work has been completed. The remaining work includes transfer of Right of Way to Caltrans, landscaping and a gateway monument.
Calaveras Blvd. R/R Overcrossing Sidewalk Improvements	Within the Project Area, there are many depreciated and stagnant property conditions partly due to dilapidated sidewalk or lack of sidewalk.	The project provides for sidewalk safety improvement, on the Calaveras Blvd. Railroad overcrossing bridge, consisting of widening of the existing sidewalk. This project will eliminate blighting conditions by bringing patronage to the Midtown Area which was added to the Project Area in 2003 and revitalize the commercial and residential development in that area.
Gateway Signs Project	Within the Project Area's commercial and industrial zone, there are high business turnover rates and excessive vacant lots partly due to lack of visible promotion.	The project will provide for the design and construction of minor gateway signs at four locations within the City. These locations reflect heavily traveled intersections that provide more visible promotion for the City. This project will eliminate blighting conditions by bringing patronage to the Project Area and revitalize the commercial and residential development within the area.
BART Extension Coordination and Planning	The Midtown Area was added to the Redevelopment Project Area in June 2003. Many blighting conditions were identified in the Midtown including buildings of substandard design, incompatible land uses, lower taxable	This project will include coordination of utilities, Right of Way and other design features with outside agencies to extend BART from Fremont to San Jose with in station close to the Midtown Area in Milpitas. These improvements will

<p>Carlo Street & Calaveras Blvd. Ramp Conversion Study</p>	<p>retail sales, low residential and commercial sales prices, low lease rates and an increase in business closure.</p> <p>The Midtown Area was added to the Redevelopment Project Area in June 2003. Many blighting conditions were identified in the Midtown including buildings of substandard design, incompatible land uses, lower taxable retail sales, low residential and commercial sales prices, low lease rates and an increase in business closure.</p>	<p>transition the Midtown Area to a transit oriented, high density housing area. By funding this project, the Agency will spur infill housing and stimulate commercial activities.</p> <p>This project involves preparation of a traffic study and preliminary plans for the conversion of the Carlo Street on-ramp to Eastbound Calaveras Blvd to an off-ramp. The conversion will provide more direct access to the Midtown District. This project will eliminate blighting conditions by bringing patronage to this area and revitalize the commercial and residential development in the Midtown.</p>
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Utility Improvements

Project	Blighting Conditions	Improvements
<p>Storm Pump Station Improvements</p>	<p>Within the Project Area's commercial and industrial zone, economically viable use of many buildings is hindered due to insufficient utility infrastructure.</p>	<p>This project provides for renovations of the mechanical and electrical systems of the storm pump stations that serve the Project Area. These improvements will eliminate factors that hinder the economically viable use or capacity of buildings or lots, by improving deteriorated, faulty and inadequate utility infrastructure serving the Project Area.</p>

Each of these projects will benefit the Project Area, and each project is consistent with the updated Five-Year Redevelopment Implementation Plan and the Amended and Restated Redevelopment Plan, adopted by the City Council and Agency in June 2003. Although many of these projects are partially funded by various revenue sources such as gas tax funds, grants, user fees, and developer contributions, these revenues are inadequate to fund all the foregoing projects. Without the Agency's funding, there are no other reasonable means of funding to complete these projects. The blighting conditions described above cause and will continue to cause a reduction and lack of proper utilization of the Project Area to such an extent that these conditions cannot be alleviated either by private enterprise or the City acting alone, requiring redevelopment financing to be used in the interest of the community.

Recommendation:

Adopt Resolution finding that the financing proposed is consistent with the purposes of California redevelopment law and the Agency's Implementation Plan, benefiting the Project Area and assisting in the elimination of blight in the Project Area and that no other reasonable means of financing the projects are available to the community.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING THE APPROPRIATIONS LIMIT FOR THE CITY OF MILPITAS FOR FISCAL YEAR 2007-2008

WHEREAS, Article XIII B, Section 1 of the Constitution of the State of California requires that total annual appropriations subject to limitation of the City of Milpitas shall not exceed the appropriations limit of the City for the prior year adjusted for changes in the cost of living and population except as otherwise provided; and

WHEREAS, this article became effective July 1, 1980, as amended, which requires the City to establish its appropriations limit by resolution each year at a regularly scheduled meeting or a noticed special meeting, commencing after the beginning of each fiscal year; and

WHEREAS, the appropriations base for 1978-79 had been determined and adjusted by the changes in population, cost of living, and transfers of financial responsibility, establishing an appropriations limit for fiscal year 2007-2008 of \$60,096,261.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milpitas hereby adopts the appropriations limit for fiscal year 2007-2008, that amount as set forth herein.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND THE MILPITAS REDEVELOPMENT AGENCY APPROVING THE FINAL BUDGET FOR THE CITY OF MILPITAS FOR THE FISCAL YEAR 2007-2008

WHEREAS, the City Manager submitted a 2007-2008 Proposed Budget and Financial Plan; and

WHEREAS, public hearings were held on the proposed Plan where all interested persons were heard; and

WHEREAS, the City Council and the Redevelopment Agency reviewed and modified the City Manager's 2007-2008 Proposed Budget and Financial Plan; and

WHEREAS, on May 16, 2007, the City Council and the Redevelopment Agency approved the 2007-2008 Financial Plan, as amended, and on June 5, 2007, approved the 2007-2008 Capital Budget.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The annual budget for the City of Milpitas for fiscal 2007-2008 is hereby reaffirmed and adopted totaling \$128,806,631 for all appropriated funds.

SECTION 2. Appropriations and estimated fund balances are hereby made for the various purposes designated in the 2007-2008 Final Budget.

SECTION 3. The budgets for all departments for the period July 1, 2007 through June 30, 2008, inclusively contained in the 2007-2008 Final Budget Resolution, are approved as the operating budget for those departments for fiscal 2007-2008.

SECTION 4. Any unused non-salary and benefits related appropriations, subject to the approval of the City Manager, at the end of fiscal 2007-2008 may be reappropriated for continued use in fiscal 2007-2008.

SECTION 5. No office, department, or agency shall expend any amount or incur any liability or enter into any contract, which by its terms involves expenditures of money for any purpose in excess of the amounts appropriated for the classification of expenditures pursuant to this resolution. Budgetary control shall be at the department level.

SECTION 6. The City Manager may authorize, when in his or her judgment such action is consistent with the purposes and intent of the Budget as adopted, budget revisions subject to the following conditions:

1. Prior Council/Agency Approval Not Required. Prior approval of the City Council and/or Redevelopment Agency is not required under the following circumstances:
 - a. When revisions which involve transfers from appropriated contingency reserves are less than the aggregate amount of 1% of General Fund appropriations, or \$716,000 during fiscal 2007-2008, provided that the Council/Agency is notified in writing of the revision, giving the reason, the amount of the revision and the year-to-date total amount of revisions.

- b. When revisions involve transfers within various departments or projects within the same fund provided that the amount of transfer in any single instance does not exceed \$20,000.
- c. For Police goods and services to be purchased from Asset Seizure funds, the City Manager or his designee, has the authority to purchase such goods or services if the expenditures of such goods and services do not exceed the amount designated from Asset Seizure funds as approved by the City Council/Redevelopment Agency during the fiscal 2007-2008 Budget hearing.

2. Prior Council/Agency Approval Required. Prior approval of the City Council and/or Redevelopment Agency is required if any of the following are involved:

- a. Changes providing for increases in permanent personnel or changes in classification for personnel from the number of classes or personnel approved in the adopted Budget.
- b. Contract change orders in excess of \$20,000.
- c. Changes when in his or her judgment such action would be inconsistent with the purposes and intent of the Budget as adopted.
- d. Transfers from contingent reserves which would cause the aggregate amount of 1% of General Fund appropriations, or \$716,000 during fiscal 2007-2008, to be exceeded.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk/Agency Secretary

Jose S. Esteves, Mayor/Chair

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney/Agency Counsel

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE MILPITAS REDEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS FOLLOWING A PUBLIC HEARING FOR USE OF REDEVELOPMENT FUNDS

WHEREAS, the Milpitas Redevelopment Agency and the City Council of the City of Milpitas seek to acquire, construct, and improve certain public facilities of benefit to the Redevelopment Area and to the community; and

WHEREAS, the 2007-2012 Capital Improvement Program enumerates the capital projects that the Agency and the City of Milpitas wishes to undertake, setting forth the desired timing and financing resources for the projects that is available to undertake said projects; and

WHEREAS, notice was given of a joint public hearing before the Milpitas Redevelopment Agency and the City Council of the City of Milpitas at 6:00 p.m. on May 16, 2007 and at 7:00 p.m. on June 5, 2007, at the Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, California; and

WHEREAS, prior to said hearing the 2007-2012 Capital Improvement Program was prepared and made available for public inspection and copying, and the 2007-2008 Capital Budget of the 2007-2012 Capital Improvement Program is hereby referred to and made a part hereof as though fully set forth herein; and

WHEREAS, a joint hearing was held at said time and place. Opportunity was given to any member of the public to comment, and to inquire. The hearing was closed, and following the close thereof the 2007-2012 Capital Budget was approved, as amended; and

WHEREAS, evidence was offered by the Agency/City staff in support of the findings hereafter made.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Each of the statements contained in the above recitals are true and correct, and incorporated herein by reference and are approved and confirmed.

SECTION 2. The evidence offered by the Agency/City staff and contained in the 2006-2011 Capital Improvement Program set forth the facts supporting the determinations required to be made pursuant to Section 33445 of the Health and Safety Code and set forth the redevelopment purpose for which redevelopment funds are being used to pay for the acquisition, construction, and improvements of publicly owned facilities.

SECTION 3. The land and facilities to be acquired, constructed, and improvements that are to be made thereon are within the Project Area of the Agency or adjacent to the Project Area.

SECTION 4. The acquisition of land, facilities, buildings, structures, and other improvements to be acquired or constructed as set forth in the 2007-2012 Capital Improvement Program are of benefit to the Project Area and will assist in eliminating blighting conditions within the Project Area.

SECTION 5. No other reasonable means of financing such buildings, land, facilities, structures or other improvements are available to the community.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary/City Clerk

Jose S. Esteves, Chair/Mayor

APPROVED AS TO FORM:

Steven T. Mattas, Agency Counsel/City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE MILPITAS REDEVELOPMENT AGENCY AUTHORIZING
PAYMENTS TO THE CITY OF MILPITAS PURSUANT TO THE SECOND AMENDED AND
RESTATED PUBLIC WORKS AGREEMENT**

WHEREAS, on September 21, 1976, by Ordinance No. 192, the City Council of the City of Milpitas (“City”) adopted the redevelopment plan (“Redevelopment Plan”) for the Milpitas Redevelopment Project No. 1, (“the “Project”); and

WHEREAS, pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and its general city powers, the City desires to assist the Milpitas Redevelopment Agency (“Agency”) in the implementation of the Project; and

WHEREAS, on June 3, 2003, the City and the Agency entered into a Second Amended and Restated Public Works Agreement (“Agreement”) for the construction of Public Improvements; and

WHEREAS, under the Agreement, the City is required to cause the acquisition and construction of certain public improvements and the performance of certain programs and activities as identified in the Redevelopment Agency Financing pages of the Five Year Capital Improvement Program, attached hereto as Attachment No. 1 (the “Public Improvements”) to serve and benefit the Project; and

WHEREAS, the Agency and the City have determined that the Public Improvements are of benefit to the Project, and that no other reasonable means of financing such Public Improvements are available to the community.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In return for the City’s obligation to acquire, construct and perform such Public Improvements, the Agency shall pay to the City full cost of the Public Improvements as set forth in Attachment No. 1, or any portion thereof as demanded by the City.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary

Jose S. Esteves, Chair

APPROVED AS TO FORM:

Steven T. Mattas, Agency Counsel

RESOLUTION NO. _____

A RESOLUTION OF THE MILPITAS REDEVELOPMENT AGENCY DETERMINING THAT THE PLANNING AND ADMINISTRATION EXPENSES TO BE FUNDED IN FISCAL YEAR 2007-2008 BY THE HOUSING RESERVE FUND ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT AND/OR PRESERVATION OF AFFORDABLE HOUSING FOR THE LOW AND MODERATE INCOME HOUSEHOLDS

WHEREAS, on September 21, 1976, by Ordinance No. 192, the City Council of the City of Milpitas adopted the redevelopment plan ("Redevelopment Plan") for the Milpitas Redevelopment Project Area No. 1 ("Original Project Area"); and

WHEREAS, pursuant to Section 33334.2(a) of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) not less than 20% of all taxes which are allocated to the Milpitas Redevelopment Agency ("Agency") shall be set aside by the Agency in a Housing Reserve Fund and used by the Agency for the purpose of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing costs to people and families of low and moderate income; and

WHEREAS, pursuant to Section 33334.3(d) of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) it is the intent of the California State Legislature that the amount of money spent for planning and general administration from the Housing Reserve Fund not be disproportionate to the amount actually spent for the cost of production.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Agency hereby determines that it is necessary to allocate \$1,100,655 of the estimated \$6,011,000 Housing Reserve Fund Budget for the planning and administrative expenses necessary for the production, improvement, and/or preservation of low and moderate housing during the 2007-2008 fiscal year.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary

Jose S. Esteves, Chair

APPROVED AS TO FORM:

Steven T. Mattas, Agency Counsel

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING
RESOLUTION NO. 6449 THE COMPREHENSIVE FEE SCHEDULE**

WHEREAS, the Milpitas Municipal Code specifies that certain fees and charges shall be fixed by Resolution of the City Council; and

WHEREAS, these fees and charges should be in the amounts sufficient to recover the costs incurred by the City in the amount specified through City Council policy direction with respect to the functions to be performed by the City.

NOW, THEREFORE, BE IT RESOLVED that the various fees and charges set forth in the attached Exhibit A shall become effective with the adopting of this resolution and shall remain in effect until a new resolution amending the same is adopted by the City Council.

BE IT FURTHER RESOLVED, that the fees and charges established by City Council resolution No. 6449 shall be amended to add new fees and supersede to the extent applicable all previously established fees or charges for the same regulations, projects or services, and all such previous fees and charges are repealed on the effective date of this Resolution of the City Council provided in Section IV-3-4.00 of the Milpitas Municipal Code. All other fees not so amended by this Resolution shall remain in full force and effect.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

Exhibit A

Business License Processing Fees

New Application (per license)	\$ 50.00
Annual Renewal (per license)	25.00

Recreation Program Fees

Preschool (cost/hr)	\$ 6.50
Preschool Registration Fee (annual)	100.00
Summer Camp (per week)	150.00
Rainbow Theatre Cast Fee (per play)	65.00
Rainbow Theatre Ticket (per chair)	11.00
Jr. Guard Program (cost/hr)	10.00
Water Polo Camp (cost/hr)	5.33
Swim Camp (cost/hr)	10.00
Adult Sports Drop-in	4.00
Adult Sports Leagues	450.00
Non-Resident Fee	20.00
Sports Center Non-Resident Annual Fee	30.00