



MEMORANDUM

Engineering Division

To: Honorable Mayor and City Council

Through: Tom Williams, City Manager
Emma Karlen, Finance Director

From: *Ge* Greg Armendariz, Public Works Director/City Engineer

Subject: **Recommendations for City Street Pavement Management Program – responding to Budget Hearings on May 13, 2008**

Date: May 24, 2008

This memo responds to the discussion and concerns by the Council at the budget hearings on May 13, 2008, regarding the challenges Milpitas faces in maintaining the quality and condition of pavement on Milpitas streets. The following report provides a strategy that consists of a short-term action plan, which is already underway, as well as a long-term Strategic Plan to address the budgetary concerns and challenges.

TODAY'S SITUATION

The City of Milpitas is facing significant challenges with maintenance of its street pavement infrastructure. Nearly 1/3 of today's road system in Milpitas consists of streets built from the 1950's through the 1970's, which are nearing the end of their design life. This means that on the average, approximately 10 to 15 miles of roadway should be treated annually, but the current funding level only allows for 1 to 2 miles of street resurfacing annually. In addition, the costs of repaving these streets have doubled, in just the last four years, due to the combined sudden increases in oil prices and raw materials. For example, the Dumbarton Quarry, which was the last crushed aggregate quarry in the southbay area, has recently closed. Now, crushed aggregate must be trucked in from the Central Valley, Monterey and San Benito counties, at a substantial increase in cost. These two factors combined, have driven the costs of asphalt concrete paving from \$40 per ton less than four years ago, to \$85 per ton this paving season. More importantly, these dramatic cost increases are not only permanent, but will continue to rise in the foreseeable future.

GOALS AND OBJECTIVES

The long-term goal is to increase the quality and condition of the streets in Milpitas. In order to achieve this goal, the funding levels must be increased from the current levels of just over \$1.2 million per year on average, to approximately \$6.0 million annually. In addition, the Public Works maintenance levels will also have to be increased as well.

DEVELOP A STRATEGIC PLAN FOR MILPITAS STREET PAVEMENT

In order to achieve the above goals and objectives, staff will work with the CIP Subcommittee over the course of the next 4 months, to develop a strategic plan for Milpitas Street Pavement. This plan should consist of at least the following three major elements:

- Development of a Financing Plan that will provide additional and the timely financial resources in order to implement this plan. It will involve review and potential reprogramming of selected capital improvement projects, which may free up eligible funding for the Pavement program. It would also include an analysis of potential “borrowing” against the future State Gas Tax revenues, and any potential new fees.
- Enhance the Pavement Management Program, in order to execute the higher volume of work, achieve cost savings due to “economy of scale” opportunities and obtain the best value for each dollar spent. This effort will include exploring the combination of street paving contracts with other Cities, to achieve “economy of scale” cost savings. It will also include long term maintenance analysis to determine the best mix of the three street pavement components:
 - Preventative Maintenance
 - Annual Resurfacing
 - Major Street Reconstruction
- Implementation of a Public Works Work plan, which prioritizes the Street pavement maintenance and re-assigns resources to provide a higher level of service to the pavement program. At a minimum this includes:
 - a. Reprioritize work in all street maintenance sections to free up resources for the pavement management effort, such as restructuring maintenance schedules for non-safety maintenance work;
 - b. Add two additional seasonal workers (at a minimal cost) to the paving crews to double up on the pavement repair efforts this spring and summer;
 - c. Contract out traffic striping of busy intersections which are very time consuming due to traffic safety matters, and free up City staff resources to provide more paving work;

Some of this work plan has already been implemented.

RECOMMENDATIONS:

Staff will work with the CIP Subcommittee to develop a long-term Strategic Plan for the City Street Pavement Management Program. This plan will be brought to the Council for consideration and approval. The detailed Strategic Plan will include the following at a minimum:

- 1) Financing Plan
- 2) Enhanced Pavement Management Program – which will include preventative maintenance, asphalt overlay and street reconstruction elements;
- 3) Public Works Street Pavement Work Plan.

Cc: CIP Subcommittee

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 2008-2009**

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 2008-2009 of \$65,450,866.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milpitas hereby adopts the appropriations limit for fiscal year 2008-2009, that amount as set forth herein.

PASSED AND ADOPTED this _____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RESOLUTION NO. ____ / RA ____

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS APPROVING THE FINAL BUDGET FOR THE CITY OF MILPITAS FOR THE FISCAL YEAR 2008-2009

WHEREAS, the City Manager/Executive Director submitted a 2008-2009 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 the City Manager/Executive Director's 2008-2009 Proposed Budget and Financial Plan; and

WHEREAS, on May 13, 2008, the City Council and the Redevelopment Agency approved the 2008-2009 Financial Plan and the 2008-2009 Capital Budget.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The annual budget for the City of Milpitas for fiscal 2008-2009 is hereby reaffirmed and adopted totaling \$151,287,507 for all appropriated funds.

SECTION 2. Appropriations and estimated fund balances are hereby made for the various purposes designated in the 2008-2009 Final Budget.

SECTION 3. The budgets for all departments for the period July 1, 2008 through June 30, 2009, inclusively contained in the 2008-2009 Final Budget Resolution, are approved as the operating budget for those departments for fiscal 2008-2009.

SECTION 4. Any unused non-salary and benefits related appropriations, subject to the approval of the City Manager/Executive Director, at the end of fiscal 2007-2008 may be reappropriated for continued use in fiscal 2008-2009.

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/Executive Director 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 \$726,000 during fiscal 2008-2009, 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/Executive Director or his/her 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 2008-2009 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 \$726,000 during fiscal 2008-2009, to be exceeded.

PASSED AND ADOPTED this _____ day of _____ 2008, 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:

Michael J. Ogaz, City Attorney/Agency Counsel

RESOLUTION NO. RA___ / ___

A JOINT RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS 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 2008-2013 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 13, 2008 at the Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, California; and

WHEREAS, prior to said hearing the 2008-2013 Capital Improvement Program was prepared and made available for public inspection and copying, and the 2008-2009 Capital Budget of the 2008-2013 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 2008-2013 Capital Budget was approved; 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 2008-2013 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 2008-2013 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 _____ 2008, 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:

Michael J. Ogaz, Agency Counsel/City Attorney

City of Milpitas

Department of Financial Services



Date: May 1, 2008
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 2008-2009 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 2008-2013 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 2008-2009 are outlined in the 2008-2013 Capital Improvement Program.

Community Improvements

Project	Blighting Conditions	Improvements
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 having persons with inadequate outlets for activity being present on streets and other public areas because of limited recreational facilities and thereby will serve to enhance property values of neighboring businesses and homes, thus benefiting the Project area and the general community.
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 rehabilitation work, 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 and will benefit the Project Area by creating a strong infrastructure base providing stability to Area neighborhoods and businesses.
Green Facility Study	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. A green feasibility study will lead to green policies implementing activities with long range effects which eliminate blight on a global scale that are critical to the economic and social viability of the Project Area, the Implementation Plan and the Redevelopment Plan in general.	This project will study the financial feasibility and financial return of adding photovoltaic cells (solar panels) and other green building improvements to all existing City buildings and facilities. If feasible, this study will form the basis for programming capital improvement projects for design and construction in the future. These improvements will eliminate the conditions of the buildings that are unsafe and unhealthy for people to work or use and create long term environmental benefits to the Project Area and community.

Park Improvements

Project	Blighting Conditions	Improvements
Park Master Plan Improvements – Phase 1	Open space supports redevelopment in the Project Area by developing adequate parks and recreation centers in locations for the best service to the community and promotes beauty and focused development in urbanized areas.	This project provides for the design of park renovation projects based on the recommendations of the Park Master Plan. The improvements will eliminate blighting conditions of inadequate recreational facilities and enhance property values of neighboring low, moderate and above moderate income homes as well as Project Area businesses and industries.

Street Improvements

Project	Blighting Conditions	Improvements
Citywide Traffic Deficiency Plan	Within the Project Area, there are many depreciated and stagnant property conditions partly due to insufficient transportation infrastructure.	This project provides a study to perform a Citywide analysis of intersection to establish existing levels of service and determine current and future deficiencies. This study will look at cumulative impacts and identify mitigation strategies for development throughout the City. This study will form the basis for capital projects to mitigate insufficient transportation infrastructure and traffic circulation that will improve the conditions which contribute to stagnant property values within the Project Area and enhance the opportunities for redevelopment to higher uses of benefit to the goals of the RDA.
Singley Area Phase 4	Within the Project Area, there are many depreciated and stagnant property conditions partly due to dilapidated sidewalk and street settlements.	This project will replace existing curb and gutters, driveways, ramps, sidewalk, and asphalt pavement sections with new facilities, installation of asphalt concrete overlay and deep lift, storm drain pipes, drainage inlets, and subsurface drainage system in various streets in the Singley street area. These projects will provide the transportation infrastructure and traffic circulation to improve the conditions of stagnant property values within the Project Area and will stimulate growth and reuse of benefit to the Project Area.
Street Resurfacing Project	Within the Project Area, there are many depreciated and stagnant property conditions partly due to dilapidated street surface and pothole conditions.	This project provides pavement improvements and rehabilitation or reconstruction of street surface throughout the City, benefiting the Project Area. These improvements will provide the transportation infrastructure and traffic circulation necessary to improve the conditions of stagnant property values within the Project Area.

Utility Improvements

Project	Blighting Conditions	Improvements
Storm Water Pump Station Improvement	Within the Project Area's commercial and industrial zone, economically viable use of many buildings is hindered due to insufficient utility infrastructure.	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.

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 REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS
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 _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

City of Milpitas

2008-13 CAPITAL IMPROVEMENT PROGRAM

REDEVELOPMENT AGENCY FINANCING

RDA Tax Increment

Summary	2008-09	2009-10	2010-11	2011-12	2012-13	TOTAL
Community Improvement	2,625,000	500,000	0	250,000	0	3,375,000
Park Improvement	50,000	0	0	0	0	50,000
Sewer Improvement	0	0	0	0	0	0
Storm Drain Improvement	150,000	2,200,000	35,000	112,000	0	2,497,000
Streets	1,425,000	1,616,000	0	0	0	3,041,000
Water	0	0	0	0	0	0
RDA Tax Increment Totals	4,250,000	4,316,000	35,000	362,000	0	8,963,000

RDA Bond (1997, 2000, and 2003)

Summary	2008-09	2009-10	2010-11	2011-12	2012-13	TOTAL
Community Improvement	9,915,000	0	0	0	0	9,915,000
Sewer Improvement	0	0	0	0	0	0
Streets	(174,000)	0	0	0	0	(174,000)
RDA Bond Totals	9,741,000	0	0	0	0	9,741,000

Community Improvement

	2008-09	2009-10	2010-11	2011-12	2012-13	TOTAL
8176 Senior Center	12,315,000	0	0	0	0	12,315,000
8182 City Building Improvements	200,000	500,000	0	250,000	0	950,000
8190 Green Facility Study	25,000	0	0	0	0	25,000
Total:	12,540,000	500,000	0	250,000	0	13,290,000

Park Improvement

	2008-09	2009-10	2010-11	2011-12	2012-13	TOTAL
8191 Park Master Plan Improvements - Phase I	50,000	0	0	0	0	50,000
Total:	50,000	0	0	0	0	50,000

Streets

	2008-09	2009-10	2010-11	2011-12	2012-13	TOTAL
4170 Hwy 237/I-880 Interchange	(174,000)	0	0	0	0	(174,000)
8192 City-Wide Traffic Deficiency Plan	25,000	0	0	0	0	25,000
8193 Singley Area Phase 5	1,000,000	0	0	0	0	1,000,000
8194 Street Resurfacing Project 2009	400,000	0	0	0	0	400,000
<i>New Light Rail Median Landscaping</i>	0	1,416,000	0	0	0	1,416,000
<i>New North Milpitas Blvd. Soundwall Renovation</i>	0	200,000	0	0	0	200,000
Total:	1,251,000	1,616,000	0	0	0	2,867,000

Storm Drain Improvement

	2008-09	2009-10	2010-11	2011-12	2012-13	TOTAL
8106 Storm Water Pump Station Improvement	150,000	0	0	0	0	150,000
8140 Oakcreek Pump Station Improvement	0	2,200,000	0	0	0	2,200,000
<i>New Fuel Tank Improvements</i>	0	0	35,000	112,000	0	147,000
Total:	150,000	2,200,000	35,000	112,000	0	2,497,000

RESOLUTION NO. _____

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS
DETERMINING THAT THE PLANNING AND ADMINISTRATION EXPENSES TO BE FUNDED IN
FISCAL YEAR 2008-2009 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 \$1,561,797 of the estimated \$8,561,797 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 2008-2009 fiscal year.

PASSED AND ADOPTED this ____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MILPITAS
AMENDING RESOLUTION NO. 7003 TO PROVIDE COMPENSATION FOR
UNREPRESENTED TEMPORARY EMPLOYEES**

WHEREAS, temporary employees are not organized or represented for the purpose of meeting and conferring with management in the areas of salaries, benefits, and working conditions; and

WHEREAS, it is the intent of the City Council to compensate all employees in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792, Rule VIII, Section 2); and

WHEREAS, the City Manager recommends that the City Council amend Resolution No. 7003 to adjust the salary schedule in accordance with "Appendix A" effective the first full pay period in August 2008.

NOW, THEREFORE, BE IT RESOLVED that previously amended Resolution No. 7003 is amended and the salary ranges for job classifications shall be as shown in the attached salary schedule labeled "Appendix A" effective August 2008.

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:

Michael J. Ogaz, City Attorney

Appendix A Temporary Employee Salaries

Effective: August 3, 2008

<u>Classification</u>	<u>Current</u>		<u>Effective August 3, 2008</u>	
Assistant Pool Manager	\$ 9.69	-	\$ 13.06	\$ 10.66 - \$ 14.37
Dispatch Trainee	\$ 13.26	-	\$ 13.26	\$ 14.59 - \$ 14.59
Lifeguard	\$ 7.80	-	\$ 10.51	\$ 8.58 - \$ 11.56
Maintenance Worker/Seasonal	\$ 10.00	-	\$ 13.54	\$ 11.00 - \$ 14.89
Pool Manager	\$ 12.51	-	\$ 15.10	\$ 13.76 - \$ 16.61
Recreation Instructors	\$ 15.00	-	\$ 30.00	\$ 16.50 - \$ 33.00
Recreation Leader I *	\$ 6.75	-	\$ 8.36	\$ 8.00 - \$ 9.20
Recreation Leader II *	\$ 7.14	-	\$ 9.18	\$ 8.00 - \$ 10.10
Recreation Leader III	\$ 7.85	-	\$ 10.10	\$ 8.64 - \$ 11.11
Recreation Leader IV	\$ 9.79	-	\$ 12.65	\$ 10.77 - \$ 13.92
Recreation Leader V - Temp	\$ 10.76	-	\$ 13.92	\$ 11.84 - \$ 15.31
Student Intern	\$ 9.18	-	\$ 16.07	\$ 9.18 - \$ 17.68

*** Bottom of range is greater than 10%, but made to equal current minimum wage requirements.**