



**MILPITAS CITY COUNCIL MEETING AGENDA
TUESDAY, JUNE 2, 2009**

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

SUMMARY OF CONTENTS

- I. CALL TO ORDER by the Mayor**
- II. ROLL CALL by the City Clerk (6:30 p.m.)**
- III. CONFERENCE WITH LABOR NEGOTIATOR - COLLECTIVE BARGAINING**
Pursuant to CA Government Code §54957.6 City Negotiator: Tom Williams, City Manager
Employee Groups: Unrepresented (management), UPEC (United Public Employees of California – mid-management and confidential), ProTech (Professional and Technical Group), MSA (Milpitas Supervisors Association), MEA (Milpitas Employees Association), MPOA (Milpitas Police Officers Association), IAFF (International Association of Firefighters) Under Negotiation: Wages, Hours, Benefits, and Working Conditions
- IV. 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
- V. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- VI. INVOCATION** (Councilmember Gomez)
- VII. APPROVAL OF COUNCIL MEETING MINUTES** – May 12 and 19, 2009
- VIII. SCHEDULE OF MEETINGS** – Council Calendar for June 2009
- IX. PRESENTATION**

Recognition of Milpitas Transit Area Plan Award
- X. 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.

- XI. ANNOUNCEMENTS**
- XII. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- XIII. APPROVAL OF AGENDA**
- XIV. CONSENT CALENDAR** (Items with asterisk*)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XV. PUBLIC HEARINGS

- 1. Consider Adopting a Resolution Approving Certain Fee Adjustments for Various City Services and Programs (Staff Contact: Emma Karlen, 586-3145)**
- 2. Consider Adopting a Resolution Approving a Monument Sign at 130 Piedmont Road within the Hillside Combining District (Staff Contact: Judie Gilli, 586-3280)**
- 3. Report on Green Building and Introduce Ordinance No. 39.791 Establishing Green Building Standards (Staff Contacts: James Lindsay, 586-3273, and Keyvan Irannejad, 586-3244)**

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. Call to Order/Roll Call by the Mayor/Chair**
- RA2. Approval of Minutes – May 19, 2009**
- RA3. Approval of Agenda and Consent Calendar (Items with asterisk*)**
- RA4. Receive Progress Report on the Senior Center Project, Project No. 8176 (Staff Contact: Steve Erickson 586-3301)**
- RA5. Consideration of Proposal from the Vice Mayor for Possible Rescission of Layoff Notices for Full Time Permanent City Employees (Contact: Vice Mayor McHugh, 586-3023)**
- RA6. Adopt the Final Budget of the City of Milpitas and the Milpitas Redevelopment Agency for the Fiscal Year 2009-2010 (Staff Contact: Emma Karlen, 586-3145)**
- *RA7. Award Construction Contract to Home Line Inc. for the Milpitas Library Window Covering Package, Project No. 8162 (Staff Contact: Steve Erickson, 586-3301)**
- *RA8. Award Construction Contract to Joseph J. Albanese, Inc. for the Carlo Street Off-Ramp Conversion, Project No. 8195 (Staff Contact: Steve Erickson, 586-3301)**
- RA9. Agency Adjournment**

XVII. REPORTS OF OFFICERS

- * 4. Consider Mayor's Recommendations for Appointments to the Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**
- * 5. Consider Councilmember Polanski's Proposal to Amend City Commission Bylaws and Adopt a Resolution to Expand Commissioner Eligibility (Councilmember Polanski (586-3024)**

XVIII. ORDINANCES

- 6. Waive First Reading and Introduce Ordinance No. 197.11, Approving the Reorganization of Building and Safety by Amending Section 1.00 Of Chapter 3, Title VI of the Milpitas Municipal Code (Staff Contact: Tom Williams, 586-3051)**
- * 7. Waive the Second Reading and Adopt Ordinance No. 43.211 Adopting Section V-100-9.05, on Loitering in Median Strips within a City Street to the Milpitas Municipal Code (Staff Contact: Sandy Holliday, 586-2433)**

- * 8. Waive the Second Readings and Adopt Ordinances No. 38.790 and No. 230.1 for Amendments to the City's Conversion of Mobilehome Parks Municipal Code (Staff Contact: Felix Reliford, 586-3071)

XIX. RESOLUTIONS

- 9. Adopt Three Resolutions: (1) Approving the Water Supply Agreement with the City and County of San Francisco, (2) Approving an Individual Water Sales Contract with the City and County of San Francisco, and (3) Adopting Findings for Purposes of the California Environmental Quality Act in Connection with Approval of the Water Supply Agreement and Directing the City Manager to File a Notice of Determination (Staff Contact: Kathleen Phalen, 586-3345)
- 10. Receive Progress Report, Approve Plans and Specifications, Authorize the Advertisement for Bid Proposals, and Adopt a Resolution Approving the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Greg Armendariz, 586-3317)
- * 11. Adopt a Resolution Approving a Sales and Use Tax Agreement between the City of Milpitas and KLA-Tencor Corporation, and Authorize the City Manager or his Designee to Execute the Agreement (Staff Contact: Diana Barnhart, 586-3059)
- * 12. Adopt a Resolution Approving an Existing Gazebo at 461 Vista Ridge Drive within the Hillside Combining District (Staff Contact: Tiffany Brown, 408-586-3283)
- * 13. Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2009-2010, Preliminarily Approving the Annual Engineer's Report and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Fernando Bravo, 586-3328)
- * 14. Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2009-2010, Preliminarily Approving the Annual Engineer's Report and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Fernando Bravo, 586-3328)
- * 15. Adopt a Resolution Granting Initial Acceptance and Authorizing Reduction in Penal Sum of Subdivision Improvement Bond for Tract No. 9886, Town Center Residential, Project No. 3208 (Staff Contact: Fernando Bravo, 586-3328)
- * 16. Adopt a Resolution Approving the Standardization of Hurst Jaws of Life and Rescue 42 Tools as the Brand of Choice for Fire Emergency Rescue Equipment (Staff Contact: Chris Schroeder, 586-3161)
- * 17. Adopt a Resolution to Release Unclaimed Checks per Standard Operating Procedure No. 26-1 (Staff Contact: Dante Ong, 586-3132)

XX. BIDS AND CONTRACTS

- * 18. Award Construction Contract to Preston Pipelines, Inc. for Minor Storm Drain Project on Country Club Drive, Project No. 3700 (Staff Contact: Steve Erickson, 586-3301)
- * 19. Approve Contract Amendment for Employee Assistance Program Services with Managed Health Network, Inc. (Staff Contact: Carmen Valdez, 586-3086)
- * 20. Approve Amendment to Master Service Agreement with Southern California Risk Management Association (SCRMA) to Extend the Current Agreement through June 30, 2010 (Staff Contact: Carmen Valdez, 586-3086)

- * 21. **Authorize the City Manager to Execute an Agreement with Cayenta Inc. for Consultant Services to Implement and Upgrade the Financial and Utility Systems for a Total Amount Not-to-Exceed \$108,760 (Staff Contact: Jane Corpus, 586-3125)**

XXI. ADJOURNMENT

NEXT MEETING, TUESDAY, JUNE 9, 2009

NEXT REGULAR MEETING, TUESDAY, JUNE 16, 2009

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, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Fax: 408-586-3056 / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council/Redevelopment Agency after initial distribution of the agenda packet are available for public inspection at the City Clerk's Office/Information Desk at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, during normal business hours.

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist for the:

*Arts Commission and Public Art Committee
Economic Development Commission (Retail Rep.)
Mobile Home Park Rental Review Board
Youth Advisory Commission (alternate)*

Applications are available online at www.ci.milpitas.ca.gov or at the City Hall Information Desk.
Contact the City Clerk's office (586-3003) for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 586-3001 or send an email to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings. TDD phone number (408) 586-3013.

AGENDA REPORTS

TUESDAY, JUNE 2, 2009

XVI. PUBLIC HEARINGS

1. Consider Adopting a Resolution Approving Certain Fee Adjustments for Various City Services and Programs (Staff Contact: Emma Karlen, 586-3145)

Background: The Municipal Code and the City's fiscal policies require the City Manager and department heads to calculate and propose adjustments to fees and charges on a regular basis to assure that cost recovery stays current and within the percentages of "costs reasonably borne" specified in the Code. Accordingly, fee increases or adjustments are proposed by various departments for the City Council's consideration. The Finance Department has provided assistance in verifying that the employee hourly rates used to calculate the costs of the services are supported by the Cost Allocation Study. In computing the fully loaded costs of a service fee, all the applicable direct costs, indirect costs, fixed asset recovery expense, department overhead expenses and general overhead expenses are included. Each department head has reviewed his or her fee schedules and determined that the proposed fees and service charges are within the specified percentages of cost recovery.

Included in the agenda packet are staff memoranda justifying fee increases or fee adjustments. The Finance Subcommittee meeting minutes are included for Council's reference. Supporting documentation was also made available to the public, as required by law.

Fiscal Impact: The proposed fee adjustments will ensure that City fees are current and that costs for services are reasonably recovered through these fees.

Attachments:

- A. City Council Resolution
- B. Various staff memos
- C. March 18 and April 22, 2009 Finance Subcommittee meeting minutes

Recommendations:

- 1) Open the Public Hearing and take testimony.
- 2) Move to close the public hearing.
- 3) Adopt a resolution approving the Master Fee adjustments for various City services and programs.

2. Consider Adopting a Resolution Approving a Monument Sign at 130 Piedmont Road within the Hillside Combining District (Staff Contact: Judie Gilli, 586-3280)

Background: Calvary Assembly Church is proposing a new four-foot high, 30 square foot monument sign to be located at its driveway along Piedmont Road. New monument signs in the Hillside District require approval of a conditional use permit by the City Council with a recommendation from the Planning Commission. The Planning Commission recommended approval of the Conditional Use Permit (UP08-0037) at its meeting of May 13, 2009. The project meets all the requirements and standards for signage within the Hillside District.

Fiscal Impact: None.

Attachments:

- A. City Council Resolution
- B. May 13, 2009 Planning Commission meeting minutes
- C. May 13, 2009 Planning Commission staff report
- D. Site Plans

Recommendations:

1. Hold a public hearing and move to close the public hearing after hearing public testimony.
 2. Adopt a resolution approving Conditional Use Permit No. UP08-0037, subject to conditions of approval.
3. **Report on Green Building and Introduce Ordinance No. 39.791 Establishing Green Building Standards (Staff Contacts: James Lindsay, 586-3273, and Keyvan Irannejad, 586-3244)**

Background: Pursuant to City Council’s direction, staff drafted a green building ordinance to establish minimum standards to increase energy efficiency and encourage water and resource conservation. The draft ordinance would create a new chapter within Title II - Building Regulations of the Municipal Code. The chart below summarizes the standards being proposed in the ordinance.

Type of Project	Standards
Residential	
New construction: < 5 units	Not Applicable
New construction: ≥ 5 units	50 Green Points (Build It Green) or equivalent in LEED
Nonresidential	
New construction between 500 and 25,000 s.f.	Not Applicable
New construction between 25,000 and 49,999 s.f.	LEED Certified
New construction or renovations ≥ 50,000 s.f.	LEED Silver
City Buildings	
New construction or renovations ≥ 25,000 s.f.	LEED Silver

The development community’s primary concern of other green building ordinances is the additional cost and time required for third party certification. To address this concern, the draft ordinance requires verification that the minimum standards are being met but does not require official certification from a third party. City staff, once trained, could perform the verification during the normal building permit plan check and inspection process. This will allow concurrent plan reviews and avoid the costly certification process. The effective date of the ordinance is proposed to be August 1, 2009 and would only affect projects submitted after that date.

Fiscal Impact: None.

Attachments:

- A. Ordinance No. 38.791
- B. May 13, 2009 Planning Commission staff report
- C. Berg & Berg Developers, Inc. comment letter dated 5/23/09

Recommendations:

1. Hold a public hearing and move to close the public hearing after hearing public testimony.
2. Waive the first reading beyond the title of Ordinance No. 39.791 establishing Green Building Standards.
3. Introduce Ordinance No. 39.791.

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order/Roll Call by the Mayor/Chair

RA2. Approval of Minutes – May 19, 2009

RA3. Approval of Agenda and Consent Calendar (Items with asterisk*)

RA4. Receive Progress Report on the Senior Center Project, Project No. 8176 (Staff Contact: Steve Erickson 586-3301)

Background: The contractor continues with interior and exterior structure demolition and has begun the installation of new utilities and new building foundation piers for the community room addition. The abatement work for mold and asbestos required additional time due to the extent of the problems found once demolition started. Staff is working with the contractor in an effort to mitigate this delay. Project staff will provide additional project progress information at the Council meeting.

Fiscal Impact: None.

Recommendation: Receive progress report on the Senior Center Project, Project No. 8176.

RA5. Consideration of Proposal from the Vice Mayor for Possible Rescission of Layoff Notices for Full Time Permanent City Employees (Contact: Vice Mayor McHugh, 586-3023)

Background: If all represented employee groups agree to pay 2.5% of their monthly retirement cost for Fiscal Year 2009-10, the City Council will rescind the issued layoff notices for permanent full time City of Milpitas employees. This will generate \$930,000 and allow the City to get through the coming fiscal year. While not addressing the structural budget imbalance, this would provide more time for restructuring and reorganizing while allowing employees to prepare for possible alternatives.

If not all groups agree to pay a small portion (i.e. 2.5%) of their pension costs, the City Council will only rescind layoff notices for the employee organizations that agree to participate.

The deadline for employee commitment to participate would be noon on Tuesday, June 2, 2009.

Fiscal Impact: (noted above)

Recommendation: Consider Vice Mayor's proposal and comment. Direct staff as appropriate.

RA6. Adopt the Final Budget of the City of Milpitas and the Milpitas Redevelopment Agency for the Fiscal Year 2009-2010 (Staff Contact: Emma Karlen, 586-3145)

Background: During the May 12, 2009 Budget public hearing, the City Council conceptually approved the City/Agency Proposed FY 2009-10 Annual Budget, the FY 2009-10 Capital Improvement Program (CIP) Budget, the Five Year Capital Improvement Program (2009-2014), the revised Budget Guideline, and Fiscal Policy with Council-directed modifications and the reclassification of two positions. In addition, Council requested staff to follow up on several budget related items. The first item was to determine the revenue loss from reducing one Fire Inspector. The second item was to provide details on the City Attorney's Office's projected \$200,000 saving from its Fiscal Year 2008-09 budget. The third item was to provide a summary of change between FY2008-09 and FY2009-10 by department.

Included in the Council's agenda packet are two staff memorandum from the Fire Department and the City Attorney's Office which discussed the revenue loss in the Fire Inspection function and budget savings for the City Attorney's Office respectively. The worksheet included in the Council's agenda packet provides a summary of the budget change by department for FY2009-10.

As directed by the City Council, Section 2a of the Budget Guidelines has been modified to reflect that service level priorities will be reviewed by the Finance Subcommittee and the City Council at an annual Planning Session.

Fiscal Impact: Appropriations for the FY09-10 Operating and CIP Budget in the total amount of \$145,073,350.

Recommendations:

- 1) Adopt the Final Budget of the City of Milpitas and Milpitas Redevelopment Agency for the FY 2009-2010 by adopting the following resolutions:
 - a. Resolution of the City of Milpitas adopting the FY 2009-10 Appropriations Limit of \$67,456,978 for the City of Milpitas.
 - b. Joint Resolution of the Redevelopment Agency and the City of Milpitas approving the City's Final FY 2009-10 Budget of \$145,073,350 including the FY 2009-10 Capital Improvement Program Budget of \$19,664,549.
 - c. Joint Resolution of the Milpitas Redevelopment Agency and the City of Milpitas making findings following a Public Hearing for use of Redevelopment funds.
 - d. Resolution of the Milpitas Redevelopment Agency authorizing payments to the City of Milpitas, pursuant to the Second Amended and Restated Public Works Agreement.
 - e. Resolution of the Milpitas Redevelopment Agency determining that the planning and administration expenses to be funded in FY 2009-10 by the Housing Reserve Fund are necessary for the production, improvement and/or preservation of affordable housing for the low and moderate-income households.
- 2) Approve the revised Budget Guidelines and Fiscal Policies.
- 3) Approve the reclassification of one Recreation Assistant II to Recreation Assistant IV and one Public Works Maintenance Supervisor to Senior Maintenance Supervisor.

***RA7. Award Construction Contract to Home Line Inc. for the Milpitas Library Window Covering Package, Project No. 8162 (Staff Contact: Steve Erickson, 586-3301)**

Background: On April 7, 2009, the Redevelopment Agency approved the project plans and specifications and authorized the advertisement for construction bid proposals for this project, which provides window blinds within the library circulation lobby, quiet study, computer center, homework center, and multi-purpose room. These blinds are needed to reduce sunlight glare and to improve the comfort and usability of the new library. The Engineer's Estimate for installation for the work was \$50,000.

The project was advertised and sealed bid proposals were opened on May 1, 2009. Four bid proposals were received and ranged from \$32,900 to \$65,725. The lowest responsible bidder is Home Line Inc. that submitted a bid in the amount of \$32,900. Included in the Council's packet is the project bid summary.

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

Recommendation: Award construction contract to Home Line Incorporated for the Milpitas Library Window Covering Package, Project No. 8162.

***RA8. Award Construction Contract to Joseph J. Albanese, Inc. for the Carlo Street Off-Ramp Conversion, Project No. 8195 (Staff Contact: Steve Erickson, 586-3301)**

Background: On April 7, 2009, the Redevelopment Agency approved the project plans and specifications and authorized the advertisement for construction bid proposals. The project is located immediately east of the Abel Street and Calaveras Blvd. intersection, and provides for the conversion of the existing Carlo Street/State Route 237 on-ramp to an eastbound Calaveras

Boulevard (SR237) off-ramp. The new off-ramp will provide direct access to the Midtown area from Calaveras Boulevard. The Engineer's Estimate for the work was \$850,000.

The project was advertised and sealed bid proposals were opened on May 18, 2009. Five bid proposals were received and the bid results ranged from \$351,320 to \$529,177. The lowest responsible bidder is Joseph J. Albanese. Included in the Council's packet is the project bid summary.

Staff is recommending the continued use of the change order policy that Council approved for the Milpitas Library, Parking Garage, North Main Streetscape, and Senior Center projects. This policy allows for the timely completion of the project by authorizing staff to execute change orders to address unforeseen construction conditions swiftly in order to limit potential claims or risk to the City. Staff will report all change orders after execution at the following monthly progress report to Agency/Council. The construction contingency established for this project is \$100,000 and the change order authority shall not exceed this amount.

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

Recommendations:

1. Award construction contract to Joseph J. Albanese, Inc. for the Carlo Street Off-ramp conversion, Project No. 8195.
2. Authorize staff to execute change orders for the Carlo Street Off-ramp conversion, provided that change orders do not exceed the established construction contingency.

RA9. Agency Adjournment

XVIII. REPORTS OF OFFICERS

- * 4. **Consider Mayor's Recommendations for Appointments to the Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood recommends the following Milpitas residents be appointed to the following commissions:

Community Advisory Commission

Appoint Nika Ma Chen (current Alternate No. 1) as a regular member to a term that expires in January 2011.

Appoint Phong Nguyen (current Alternate No. 2) as Alternate No.1 to a term that expires in January 2011.

Appoint William Dan Manassau (current Alternate No. 4) as Alternate No. 2 to a term that expires in January 2011.

Newly appoint Stephanie Fong as Alternate No. 3 to a term that expires in January 2010.

Emergency Preparedness Commission

Re-appoint Michael Berryhill to a term that expires in June 2012.

Appoint Tim Howard (current Chamber Rep) as the Industry Rep to a term that expires in June 2011.

Newly appoint Frank DeSmidt as the Chamber Rep. to a term that expires in June 2012.

Recommendation: Consider the recommendations from Mayor Livengood, and move to approve his recommended appointments to the Milpitas Commissions.

- * 5. **Consider Councilmember Polanski's Proposal to Amend City Commission Bylaws and Adopt a Resolution to Expand Commissioner Eligibility (Councilmember Polanski (586-3024))**

Background: Currently the bylaws of the Bicycle Pedestrian Advisory Commission, the Community Advisory Commission, the Library Advisory Commission, the Parks, Recreation and

Cultural Resources Commission, the Public Art Committee, the Recycling and Source Reduction Advisory Commission, the Senior Advisory Commission, the Youth Advisory Commission, the Arts Commission, the Emergency Preparedness Commission, the Telecommunications Commission, and the membership requirements of the Mobile Home Park Rental Review Board require that all members, including alternates, must be Milpitas residents. In order to achieve a broader cross-section of the community at large, Councilmember Polanski has proposed that the membership be changed to allow the members to be either residents of the City or persons residing within the boundaries of the Milpitas School District. For instance, this would allow persons residing in the County who are in the Milpitas Unified School District to participate as Milpitas commissioners or alternates. On May 22, 2009, the Rules Subcommittee reviewed these proposed changes and recommended Council approval.

In addition, it is recommended that the designated representative of the Emergency Preparedness Commission be changed from “industry” to “industry/commercial/retail” and the representative from “small business” be changed to “Milpitas Chamber of Commerce.”

This change can be implemented by adopting a resolution directing the Commission Bylaws and the Mobile Home Park Rental Review Board membership requirements be changed to reflect the intended makeup of the Commissions and the Board. The change would be effective immediately and applicable to any future Commission and/or Board appointment.

Fiscal Impact: None

Recommendation: Adopt a resolution changing the Bylaws of various commissions in accordance with the recommendations set forth above.

XVIII. ORDINANCES

- 6. Waive First Reading and Introduce Ordinance No. 197.11, Approving the Reorganization of Building and Safety by Amending Section 1.00 Of Chapter 3, Title VI of the Milpitas Municipal Code (Staff Contact: Tom Williams, 586-3051)**

Background: Ordinance No. 197.11 was conceptually approved by the City Council on May 12 during the budget hearing. The proposed ordinance amends the City’s Municipal Code to reflect the reorganization of Building and Safety Division into a Department.

Fiscal Impact: None.

Recommendations:

1. Waive the first reading beyond the title of Ordinance No. 197.11.
2. Introduce Ordinance No. 197.11 to reorganize the Building and Safety Division into a Department.

- * 7. Waive the Second Reading and Adopt Ordinance No. 43.211 Adopting Section V-100-9.05, on Loitering in Median Strips within a City Street to the Milpitas Municipal Code (Staff Contact: Sandy Holliday, 586-2433)**

Background: On May 19, 2009, the City Council introduced Ordinance No. 43.211 to add Section V-100-9.05, Loitering in Median Strips within a City Street into the Municipal Code. The ordinance prohibits persons from loitering in a median within a city street or other city-maintained thoroughfare. The Ordinance remains unchanged and is now ready for adoption.

Fiscal Impact: None.

Recommendations:

1. Waive the second reading of Ordinance No. 43.211.

2. Adopt Ordinance No. 43.211, adopting Section V-100-9.05, Loitering in Median Strips within a City Street, to the Milpitas Municipal Code.

- * **8. Waive the Second Readings and Adopt Ordinances No. 38.790 and No. 230.1 for Amendments to the City's Conversion of Mobilehome Parks Municipal Code (Staff Contact: Felix Reliford, 586-3071)**

Background: On May 19, 2009, the City Council introduced Ordinances No. 38.790 and No. 230.1 approving changes to the City's Conversion of Mobilehome Parks. The amendments affect the conversion of mobilehome parks to other uses and establish a mobilehome park conversion permit process. The Ordinances remain unchanged and are now ready for adoption.

Fiscal Impact: None.

Recommendations:

1. Waive the second reading of Ordinances No. 38.790 and No. 230.1.
2. Adopt Ordinances No. 38.790 and No. 230.

XX. RESOLUTIONS

- 9. Adopt Three Resolutions: (1) Approving the Water Supply Agreement with the City and County of San Francisco, (2) Approving an Individual Water Sales Contract with the City and County of San Francisco, and (3) Adopting Findings for Purposes of the California Environmental Quality Act in Connection with Approval of the Water Supply Agreement and Directing the City Manager to File a Notice of Determination (Staff Contact: Kathleen Phalen, 586-3345)**

Background: Milpitas is one of 27 agencies belonging to the Bay Area Water Supply and Conservation Agency (BAWSCA) that hold 25-year master and individual water supply agreements with the San Francisco Public Utilities Commission (SFPUC). In 2006, all member agencies authorized BAWSCA to negotiate new agreements with SFPUC on their behalf because the existing agreements will expire on June 30, 2009. The BAWSCA negotiating team, led by General Manager Arthur Jensen, has completed this assignment and provides the *Water Supply Agreement Between the City and County of San Francisco and Wholesale Customers in Alameda, San Mateo, and Santa Clara Counties* (Water Supply Agreement) and the *Individual Water Sales Contract with the City and County of San Francisco* (Individual Water Sales Contract), included in the Council packet, for Council's approval. Dr. Jensen will present a summary of the new Water Supply Agreement at the Council meeting.

In addition to retaining the supply provisions of the existing agreements, the City of Milpitas and other agencies asked BAWSCA to seek contract assurances that SFPUC would ensure water quality, provide a fair price, share representation on cost decisions, give water supply protection precedence over electrical power generation, complete the Seismic Water System Improvement Program (WSIP), and implement conservation. The new Water Supply Agreement satisfies these requests.

On April 28, 2009, the SFPUC Board of Commissioners adopted Resolution No. 09-0069 (included in Council packet) approving the Water Supply Agreement, authorizing the SFPUC General Manager to execute the Agreement on behalf of SFPUC, and authorizing the General Manager to negotiate and approve an Individual Water Sales Contract with each wholesale customer, including City of Milpitas. Council will now need to approve the Water Supply Agreement and Individual Water Sales Contract such that they are fully executed prior to the June 30, 2009 expiration of the existing agreements, or run the risk of losing the advantage of the negotiated provisions obtained by BAWSCA for its full membership.

Recommended Council actions to approve the agreements is by adoption of three separate resolutions described as follows:

1. Resolution Approving the Water Supply Agreement with the City and County of San Francisco. This resolution authorizes the City Manager to execute the Water Supply Agreement. BAWSCA legal counsel prepared the *Summary Report on the New Water Supply Agreement* provided in the Council packet summarizing the important provisions of this Agreement. This is preceded in Council's packet by an even briefer *Frequently Asked Questions* overview of the SFPUC water supply prepared by BAWSCA. Important highlights of the Water Supply Agreement include the following:
 - The parties to the agreement are the City and County of San Francisco and the 27 BAWSCA agencies consisting of the Cities of Brisbane, Burlingame, Daly City, East Palo Alto, Hayward, Menlo Park, Millbrae, Milpitas, Mountain View, Palo Alto, Redwood City, San Bruno, San Jose, Santa Clara, and Sunnyvale; Town of Hillsborough; Water Districts of Alameda County, Coastside County, Mid-Peninsula, North Coast County, Purissima Hills, Skyline County, and Westborough; Improvement Districts of Estero Municipal (Foster City) and Guadalupe Valley Municipal; California Water Company; and Stanford University.
 - The term is 25 years with two 5-year options to extend, at the mutual agreement of San Francisco and the BAWSCA agencies.
 - BAWSCA agencies will pay for capital improvements by a "cash" method instead of the "utility" method used by the current contract. Total costs over the life of the contract will be lower for the BAWSCA agencies because San Francisco would have required a higher rate of return on its investment if it had to pay the cost of the \$4.3 billion WSIP up-front, as is typical under the utility payment method.
 - Milpitas's supply assurance remains unchanged at 9.232 million gallons per day (mgd), an amount sufficient for its foreseeable needs. The City currently purchases about 6.6 mgd of water from SFPUC and expects to increase this to no more than about 8.8 mgd at full City build out in 2028.
 - A method to allocate potential penalties to individual agencies if BAWSCA agencies exceed a 184 mgd interim supply limitation are to be negotiated by appointed staff representatives of the 27 agencies in the upcoming year. San Francisco unilaterally committed to taking no more than 265 mgd from the Tuolumne River until 2018 in its WSIP programmatic environmental impact report (PEIR) and unilaterally allocated a 184 mgd portion of this to the BAWSCA wholesale customers, including the City of San Jose and the City of Santa Clara, which have revocable contracts and therefore lack permanent supply assurances. If the total take from the Tuolumne River should exceed 265 mgd and, if during this event, the total take by BAWSCA agencies also exceeds 184 mgd, BAWSCA agencies will pay a penalty.
2. Resolution Approving the Individual Water Sales Contract with the City and County of San Francisco. This resolution authorizes the City Manager to execute the Milpitas Water Sales Contract. Provisions of this contract are as follows:
 - The parties to this contract are the City and County of San Francisco and the City of Milpitas.
 - The service area to which Milpitas is authorized to sell water remains the same as defined in the previous contract. This includes all of the City corporate limits plus a substantial portion of the adjacent eastern hills of the unincorporated County. The contract does not require the City to serve this unincorporated area, it simply does not prohibit such sale should the City so desire.
 - Service connections are defined as the four existing meter turnouts on the Hetch Hetchy Bay Division Pipelines located in Milpitas.

- Interties are defined as the three existing emergency connections with Alameda County Water District and San Jose Water Company.
 - Milpitas agrees to pay for a minimum delivery of 5.341 mgd on an annual basis. This provision is intended to protect SFPUC by limiting the City's ability to shift its purchases to the Santa Clara Valley Water District.
3. Resolution Adopting Findings for Purposes of the California Environmental Quality Act in Connection with Approval of a Water Supply Agreement with the City and County of San Francisco and Direction to the City Manager to File a Notice of Determination. The City and County of San Francisco is the "lead agency" under the California Environmental Quality Act (CEQA) with respect to both the WSIP and the water supply elements incorporated into the new Water Supply Agreement. In that capacity, San Francisco has prepared and certified a seven-volume Final Program Environmental Impact Report (PEIR), and adopted detailed findings related to the environmental effect of the "Phased WSIP" approved by SFPUC in October 2008, mitigation measures, and overriding considerations. A copy of the October 30, 2008 San Francisco Planning Commission Motion No. 17743 certifying the WSIP PEIR is included in the Council Packet.

Wholesale customers that are cities, towns, or districts are considered "responsible agencies" under CEQA with respect to approval of the long-term Water Supply Agreement, analyzed as one aspect of the overall project. The City's obligations as a responsible agency include the following:

- Review the sections of PEIR relevant to approval of the Water Supply Agreement and CEQA finding contained in SFPUC Resolution No 08-0200 and 08-0201, including the Statement of Overriding Consideration and the Mitigation Monitoring and Reporting Program. These resolutions are included in the Council packet for reference.
- Find that the PEIR is adequate for the Council's use in its consideration of the Water Supply Agreement and Individual Water Sales Contract.
- Find that approval of the Water Supply Agreement and Individual Water Sales Contract is within the scope of the WSIP and the PEIR.
- Find that there have been no significant changes in environmental effects or in available information that would change the conclusions set forth in the PEIR since its certification in October 2008.
- Find that the City has not identified any feasible alternatives or mitigation measures within its powers that would lessen or avoid any significant effect the WSIP would have on the environment.
- Direct the City Manager to prepare and file a Notice of Determination with the County Recorder's Office promptly upon the Council's approval of the Water Supply Agreement and Individual Water Sales Contract.

Staff and the City Attorney reviewed all of the relevant documents referenced in this resolution and recommends that the Council make these findings and provide this direction. All these documents and the PEIR are available in the Office of the City Engineer.

Fiscal Impact: None.

Recommendations:

1. Adopt a Resolution Approving the Water Supply Agreement with the City and County of San Francisco.
2. Adopt a Resolution Approving an Individual Water Sales Contract with the City and County of San Francisco.
3. Adopt a Resolution Adopting Findings for Purposes of the California Environmental Quality Act in Connection with the Approval of the Water Supply Agreement with the

City and County of San Francisco and Directing the City Manager to file a Notice of Determination with the County Recorder's Office.

10. Receive Progress Report, Approve Plans and Specifications, Authorize the Advertisement for Bid Proposals, and Adopt a Resolution Approving the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Greg Armendariz, 586-3317)

Background: The Alviso Adobe Renovation Project is included in the approved Capital Improvement Program and is being implemented in phases based on funding availability. Plans and specifications for Phase 3 of the project have been completed, and are ready for approval and advertisement for construction bid proposals. The improvements in this phase will provide structural stabilization and complete reconstruction of the exterior finishes to stop further deterioration of the building.

The Engineer's Estimate for the work is approximately \$750,000. A copy of the project plan title sheet is included in the Council's agenda packet. Complete plans and specifications are available for review in the office of the City Engineer.

In compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, as amended January 1, 2008, an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared for this project. The draft IS/MND was circulated for public review between March 2 and March 31, 2009. A public meeting was held on March 12, 2009 to receive public comments. All comments received are addressed in the Final IS/MND, and the Initial Study/Mitigated Negative Declaration is ready for the approval by a Resolution.

Staff will provide a progress report at the Council meeting, including information on the budget and the schedule for the next phases of the work.

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

Recommendations:

1. Receive progress report on the Alviso Adobe Renovation Project, CIP No. 5055.
2. Approve plans and specifications for Alviso Adobe Renovation Project.
3. Authorize advertising the project for bid proposals.
4. Adopt a Resolution approving the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Alviso Adobe Renovation.

*** 11. Adopt a Resolution Approving a Sales and Use Tax Agreement between the City of Milpitas and KLA-Tencor Corporation, and Authorize the City Manager or his Designee to Execute the Agreement (Staff Contact: Diana Barnhart, 586-3059)**

Background: At its meeting on March 17, the City Council authorized the City Manager to negotiate a Sales and Use Tax with KLA-Tencor (K-T). K-T has been located in Milpitas since 1997 and has consistently been a significant sales tax generator. As part of the City's Sales and Use tax outreach program, K-T will consolidate its Bay Area locations, except its Hayward machine shop, to its Milpitas headquarters campus and has agreed to allocate all company wide sales and use taxes to Milpitas. The proposed tax base sharing agreement will allow Milpitas to retain 100% of the average revenues attributed to the City during fiscal years 2006, 2007 and 2008 and receive 50% of all new sales and use taxes currently accrued at other K-T sites. The term of the agreement is 15 years, after which the City will receive all the sales and use tax revenues.

The consolidation of the K-T offices will bring 800 additional employees to Milpitas, which will create new "economic spin-off" as these employees acquaint themselves with and utilize Milpitas business and services. Also, as part of the agreement, the City will meet with K-T officials and

distribute information about affordable housing and recreation services programs that can be used by their employees, will recognize K-T at a future Council meeting and will diligently process their building and use permits in order to meet their move-in schedule.

K-T also commits to using Milpitas businesses for as much work as possible associated with the relocation of its operations, consistent with its corporate business policies and prudent business practice. K-T also agrees to work with the City to identify opportunities to support and participate in community programs and events.

Fiscal Impact: Additional General Fund revenues attributable to this agreement are estimated at \$100,000 annually.

Recommendation: Adopt a Resolution approving a Sales and Use Tax Agreement between the City of Milpitas and KLA-Tencor Corporation, and authorize the City Manager or his designee to execute the Agreement.

*** 12. Adopt a Resolution Approving an Existing Gazebo at 461 Vista Ridge Drive within the Hillside Combining District (Staff Contact: Tiffany Brown, 408-586-3283)**

Background: The application is a request to permit an existing gazebo that was erected without receiving the zoning approvals required by the Hillside Ordinance. The owner submitted a Site Development Permit (SD09-0002) application for the accessory structure, which requires City Council approval with a recommendation from the Planning Commission. The Planning Commission considered the request at a public hearing on April 22, 2009 in which two neighbors objected to the gazebo. The Planning Commission unanimously recommended approval of the permit with a condition requiring additional vegetation to be planted to help screen the gazebo. Further detail regarding the proposal and the Planning Commission meeting minutes are included in the Council agenda packet.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving Site Development Permit No. SD09-0002, subject to the conditions of approval.

*** 13. Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2009-2010, Preliminarily Approving the Annual Engineer's Report and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Fernando Bravo, 586-3328)**

Background: Landscaping and Lighting Maintenance Assessment District (LMD) No. 95-1, provides for servicing and maintaining the public landscaping and additional lighting along North McCarthy Boulevard and Ranch Drive Gateway Improvements. On May 19, 2009, the City Council directed the City Engineer to prepare an annual engineer's report for LMD 95-1. It is now necessary for the Council to preliminarily approve the Annual Report and set the date of June 16, 2009 for a public hearing. Upon conclusion of the public hearing on June 16, 2009, and subsequent City Council approval of the Annual Engineer's Report, the assessment for the work will be added to the tax bills for those property owners included within the boundaries of the District.

Fiscal Impact: None.

Recommendation: Adopt a Resolution preliminarily approving the Annual Engineer's Report for LLMD No. 95-1 and providing for the notice of public hearing.

*** 14. Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2009-2010, Preliminarily Approving the Annual Engineer's Report and Providing for Notice of Public**

Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Fernando Bravo, 586-3328)

Background: Landscaping and Lighting Maintenance Assessment District (LMD) No. 98-1, provides for servicing and maintaining the public landscaping along Sinclair Frontage Road, Los Coches and Berryessa Creeks abutting the Sinclair Horizon residential subdivision. On May 19, 2009, the City Council directed the City Engineer to prepare an annual engineer's report for LMD 98-1. It is now necessary for the Council to preliminarily approve the Annual Report and set the date of June 16, 2009, for a public hearing. Upon conclusion of the public hearing on June 16, 2009, and subsequent City Council approval of the Annual Engineer's Report, the assessment for the work will be added to the tax bills for those property owners included within the boundaries of the District.

Fiscal Impact: None.

Recommendation: Adopt a Resolution preliminarily approving the Annual Engineer's Report for LLMD No. 98-1 and providing for the notice of public hearing.

- * 15. **Adopt a Resolution Granting Initial Acceptance and Authorizing Reduction in Penal Sum of Subdivision Improvement Bond for Tract No. 9886, Town Center Residential, Project No. 3208 (Staff Contact: Fernando Bravo, 586-3328)**

Background: On August 7, 2007, the City entered into a Subdivision Improvement Agreement with Shapell Industries of Northern California for the construction of certain public improvements to serve its residential development on Town Center Drive. The public improvements consisting of fire hydrants, water mains, and water service laterals have been completed by the developer. These improvements, therefore, are ready for initial acceptance, subject to the usual one-year warranty period in accordance with the Subdivision Improvement Agreement. The developer's faithful performance bond may be reduced to \$54,000, which is 10% of the contract amount.

Fiscal Impact: None

Recommendation: Adopt a resolution granting initial acceptance of subdivision improvements and authorizing reduction in penal sum of subdivision improvement bond for Tract No. 9886, Town Center Residential Project No. 3208.

- * 16. **Adopt a Resolution Approving the Standardization of Hurst Jaws of Life and Rescue 42 Tools as the Brand of Choice for Fire Emergency Rescue Equipment (Staff Contact: Chris Schroeder, 586-3161)**

Background: The Fire Department has five primary emergency response units that contain extraction equipment. Four of the five primary units are equipped with the Hurst Jaws of Life and Rescue 42 car chock equipment sets. The fifth unit, Engine Number 2, is equipped with an older Amkus set of emergency rescue equipment. The Amkus equipment is not compatible with the Hurst equipment. The Hurst equipment has higher cutting capacity that allows improved extrication in vehicle accidents. The Amkus unit has reached the end of its useful life. Staff requested the Amkus unit be replaced with a new Hurst and Rescue 42 equipment that will enable all five units to be fully interoperable. Pursuant to Municipal Code Section I-2-3.13, Standardization, staff requested that the Hurst and Rescue 42 equipment be designated as the brand of choice for Fire emergency rescue equipment.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving the standardization of Hurst Jaws of Life and Rescue 42 tools as the brand of choice for fire emergency rescue equipment.

- * 17. **Adopt a Resolution to Release Unclaimed Checks per Standard Operating Procedure No. 26-1 (Staff Contact: Dante Ong, 586-3132)**

Background: According to City of Milpitas Standard Operating Procedure No. 26-1, which conforms with California Government Code Section 50055, unclaimed checks of less than \$15, or any amount if the depositor's name is unknown, which remain unclaimed for more than one year may be transferred to the General Fund by authorization of the City Council. A list of unclaimed checks of less than \$15, which remain unclaimed for more than one year, is included in the Council's agenda packet materials.

Fiscal Impact: The recommended action would increase General Fund revenues by \$174.63.

Recommendation: Adopt a resolution to transfer a total of \$174.63 for unclaimed checks, per the list of checks generated by the City's Finance department, to the General Fund in accordance with Standard Operating Procedure No. 26-1.

XX. BIDS AND CONTRACTS

- * 18. **Award Construction Contract to Preston Pipelines, Inc. for Minor Storm Drain Project on Country Club Drive, Project No. 3700 (Staff Contact: Steve Erickson, 586-3301)**

Background: On April 21, 2009, the City Council approved the project plans and specifications and authorized the advertisement of the project for construction bids. The project provides for the installation of a storm drain system, including a pipeline and catch basins along Country Club Drive between Calaveras Ridge and North Park Victoria Drive to correct storm drain deficiencies at this location.

The Engineer's Estimate for the work was \$115,000. The project was advertised and sealed bid proposals were opened on May 6, 2009. Six bid proposals were received ranging from \$47,335.00 to \$119,551.50. The lowest responsible bidder is Preston Pipelines Inc. with the low bid of \$47,335.

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

Recommendation: Award a construction contract to Preston Pipelines Inc. for Minor Storm Drain Project on County Club Drive, Project No. 3700.

- * 19. **Approve Contract Amendment for Employee Assistance Program Services with Managed Health Network, Inc. (Staff Contact: Carmen Valdez, 586-3086)**

Background: Managed Health Network, Inc. (MHN) provides employee counseling services for the City's employees and their families. The current contract was approved with an ending date of June 30, 2009, but due to Human Resources staff working diligently on trying to reduce costs, we were able to get a 1% reduction in our monthly premium commencing May 1, 2009. An amendment to that contract is necessary so that reduced premiums can be utilized for the months of May and June 2009. Staff is requesting authorization to enter into a new amended contract with MHN for eighteen months that will cost the City approximately \$45,288 with effective dates July 1, 2009 through December 31, 2010 with a slight decrease of approximately 1%.

Fiscal Impact: There are sufficient funds allocated in the Human Resources Departmental 2009-2010 proposed budget.

Recommendation: Authorize the City Manager to enter into a contract amendment for an employee assistance program with MHN for the period of May 1, 2009 through December 31, 2010 for a total amount not to exceed \$45,288.

- * 20. **Approve Amendment to Master Service Agreement with Southern California Risk Management Association (SCRMA) to Extend the Current Agreement through June 30, 2010 (Staff Contact: Carmen Valdez, 586-3086)**

Background: The City entered an agreement on November 1, 2005 with Southern California Risk Management Association (SCRMA) to provide services and perform work as the City's Workers' Compensation Third Party Administrator in accordance with any applicable requirements of federal, state or local laws or rules and/or regulations. The term of the current contract will expire on June 30, 2009.

At this time, the number of open indemnity claims is 75 and since the monthly charge is based upon the number of indemnity claims, the City will have approximately a 3% increase from last year which will bring the annual fee to \$132,774.

Fiscal Impact: None. There are sufficient funds allocated in the Human Resources departmental FY 2009-10 proposed budget.

Recommendation: Authorize the City Manager to execute an amendment to the current contract with Southern California Risk Management Association (SCRMA) to extend the agreement through June 30, 2010 and to approve payments in an amount not to exceed \$132,774 for the administration of the workers' compensation program for the City of Milpitas.

- * 21. **Authorize the City Manager to Execute an Agreement with Cayenta Inc. for Consultant Services to Implement and Upgrade the Financial and Utility Systems for a Total Amount Not-to-Exceed \$108,760 (Staff Contact: Jane Corpus, 586-3125)**

Background: The City of Milpitas entered into a license agreement with Cayenta Inc. to implement a fully integrated financial system in 1996. Periodically, the system needs to be upgraded due to technological and software changes. The current version of the City's existing utility system and financial system is a 2006 version. Effective December 2008, Cayenta will no longer make any programming changes to the 2006 version. Consequently, the City's system needs to be upgraded to the latest available version 7.5 in order to add new releases and programming changes. Version 7.5 will add many new functionalities such as a consolidated menu combining both the financial and utility systems, redesign of payment processing and miscellaneous receivable functions, redesign of data entry for accounts payable, redesign of the pension function to include the CalPERS' latest reporting requirement due to CalPERS' system upgrade.

The scope of work for this consultant contract will include project management, consulting services, technical services, as well as data testing to assist the City with the implementation. The fee for the service is for a total not-to-exceed amount of \$108,760.

Fiscal Impact: None. Funds are budgeted in Capital Improvement Project No. 3400, 2009 Finance System Upgrade.

Recommendation: Authorize the City Manager to execute an agreement with Cayenta, Inc. for consultant services to implement and upgrade the financial and utility systems for a total amount not-to-exceed \$108,760.

XXI. ADJOURNMENT

NEXT MEETING, TUESDAY, JUNE 9, 2009

NEXT REGULAR MEETING, TUESDAY, JUNE 16, 2009