



**MILPITAS CITY COUNCIL MEETING AGENDA
MILPITAS REDEVELOPMENT AGENCY MEETING AGENDA**

TUESDAY, DECEMBER 15, 2009

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

SUMMARY OF CONTENTS

- I. CALL TO ORDER OF THE CITY COUNCIL by the Mayor**
- II. ROLL CALL by the City Clerk (6:30 p.m.)**
- III. ADJOURN TO CLOSED SESSION OF CITY COUNCIL**
CONFERENCE WITH LABOR NEGOTIATOR - COLLECTIVE BARGAINING
Pursuant to CA Government Code §54957.6 City Negotiator: Carmen Valdez
Employee Group: Milpitas Supervisors Association (MSA)
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**
- VI. INVOCATION (Mayor Livengood)**
- VII. APPROVAL OF COUNCIL MEETING MINUTES – December 1, 2009**
- VIII. SCHEDULE OF MEETINGS – Council Calendars for December 2009 and January 2010**
- XIX. PRESENTATIONS**
 - Recognition of Milpitas High School Football 2009 Varsity Team, Central Coast Section Division 1 Champions
 - Recognition of Milpitas High School Senior Katie Le, Central Coast Section Division 1 Tennis Champion
- 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. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Meeting Minutes – December 1, 2009

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

***RA4. Approve a New Capital Improvement Program (CIP) Project for Civic Center Improvements as part of the Senior Center Project and Approve a Budget Appropriation (Staff Contact: Steve Erickson, 586-3301)**

RA5. Agency Adjournment

XVI. REPORTS OF MAYOR AND COUNCIL

1. Consider Resolution of Support for the San Francisco 49ers Football Team moving to Santa Clara (Contact: Mayor Livengood, 586-3051)

*** 2. Request from Mayor Livengood regarding Donation to the Milpitas Kiwanis Club for the Annual Kohl's Cares for Kids Event (Contact: Mayor Livengood, 586-3051)**

3. Consider Recommendation from the Vice Mayor to Waive Rental Fees for Use of the Community Center by Milpitas High School Students (Contact: Vice Mayor McHugh, 586-3023)

4. Receive Status Report on Revenue-Expenditure Balancing Plan from the City's Cost Reduction Task Force (Contacts: Councilmember Giordano, 586-3032, and City Manager Tom Williams, 586-3051)

XVII. NEW BUSINESS

5. Receive Presentation by HF&H Consultants on the Future of the City's Solid Waste Program (Staff Contact: Kathleen Phalen, 586-3345)

6. Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)

XVIII. ORDINANCE

*** 7. Waive the Second Reading and Adopt Uncodified Ordinance No. 276.1, Establishing 2010 and 2011 Annual Rates for Solid Waste and Recycling Services Provided by Allied Waste Services of North America (Staff Contact: Kathleen Phalen, 586-3345)**

XIX. RESOLUTIONS

8. Receive Staff Presentation on the Comprehensive Parks Master Plan and Adopt Resolution Approving Plan (Staff Contact: Bonnie Greiner, 586-3227)

- * 9. **Adopt a Resolution Authorizing the Sole Source Purchase of Two Mobile Law Enforcement License Plate Recognition Camera Systems from PIPS Technology for the Not to Exceed Amount of \$49,363 (Staff Contact: Chris Schroeder, 586-3161)**

XX. BIDS AND CONTRACTS

- * 10. **Award Construction Contract to Guerra Construction Group for Cardoza Park Playground Renovation & Electrical Cabinet Upgrade, Projects No. 5088 and No. 5085 (Staff Contact: Steve Erickson, 586-3301)**
- * 11. **Authorize the City Manager to Execute the Streetlight License Agreement between the City of Milpitas and Pacific Gas & Electric Co. for the Installation of PG&E's SmartMeter Equipment on Certain of City's Existing Streetlight Poles (Staff Contact: Fernando Bravo, 586-3328)**
- * 12. **Approve an Amendment to a Contract for Code Compliance Services (Staff Contact: James Lindsay, 586-3273)**

XXI. ADJOURNMENT

NEXT REGULAR MEETING: JANUARY 5, 2010

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:
Public Art Committee
Bicycle Pedestrian Advisory Commission
Community Advisory Commission (alternate)
Economic Development Commission (comm. real estate rep.)
Emergency Preparedness Commission (Chamber rep.)
Mobile Home Park Rental Review Board
Recycling and Source Reduction Advisory Commission (alternate)
Telecommunications Commission (MUSD Rep.)
Veterans Commission

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

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- *RA4. Approve a New Capital Improvement Program (CIP) Project for Civic Center Improvements as part of the Senior Center Project and Approve a Budget Appropriation (Staff Contact: Steve Erickson, 586-3301)**

Background: During the November 3, 2009 progress report on the Senior Center project, staff identified the need for ancillary and supporting improvements around the Senior Center. The proposed improvements include exterior painting of the adjacent Community Center, sidewalk replacement around the Community Center so as to ensure safe and easy connectivity between the Community Center and the Senior Center, extension of asphalt pavement repairs and replacement of the Civic Center parking lot and driveways, and improvements to the adjacent veterans' memorial. Staff would work with the Senior Center contractor, Swenson & Associates, to add this Civic Center work to the Senior Center project by Contract Change Order. These site improvements will not delay the completion of the Senior Center.

Funding for these improvements is proposed from the \$1,527,400 savings from the Senior Center project as a result of favorable Senior Center bid pricing. Staff is recommending the approval of a new CIP project, in order to separately track costs and manage the completion of these improvements to the Civic Center complex. A budget appropriation to appropriate a portion of the savings from the Senior Center into this new project is also requested to fund this additional work. The Engineer's Estimate for the work is \$430,000. In addition, an additional budget of \$70,000 is required for the project administration, inspection, and construction contingency.

Fiscal Impact: A budget appropriation in the amount of \$500,000 is required to fund these Civic Center improvements. Funding will be provided from the budget savings from the Senior Center project and appropriating those funds to the new CIP Project – Civic Center Site Improvements Project.

Recommendations:

- 1) Approve a new Capital Improvement Program (CIP) Project - Civic Center Site Improvements.
- 2) Approve a budget appropriation of \$500,000 from the Redevelopment Agency into the new project.

RA5. Agency Adjournment

XVI. REPORTS OF MAYOR AND COUNCIL

1. **Consider Resolution of Support for the San Francisco 49ers Football Team moving to Santa Clara (Contact: Mayor Livengood, 586-3051)**

Recommendation: Upon recommendation of Mayor Livengood, adopt a resolution supporting the move of the S.F. 49ers football team to the City of Santa Clara, CA.

- * 2. **Request from Mayor Livengood regarding Donation to the Milpitas Kiwanis Club for the Annual Kohl's Cares for Kids Event (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood received a letter dated November 23 from the Kiwanis Club of Milpitas requesting community contributions to the annual Kohl's Cares for Kids Event. The letter is included in the Council agenda packet. In the past, this event was held at Mervyn's and was known as the annual Mervyn's Child Spree and more recently as the Kohl's Care for Kids. The City Council has historically contributed \$1,500.

Fiscal Impact: Funds for donations may be allocated from the City Council's Community Promotions Unallocated budget. Prior to this recommendation, \$9,500 was remaining in that fund. If this item is approved, the balance would be \$8,000 for FY 2009-10.

Recommendation: Upon recommendation of Mayor Livengood, authorize a donation in the amount of \$1,500 to the Milpitas Kiwanis Club for the Kohl's Cares for Kids event.

3. **Consider Recommendation from the Vice Mayor to Waive Rental Fees for Use of the Community Center by Milpitas High School Students (Contact: Vice Mayor McHugh, 586-3023)**

Recommendation: Upon recommendation of Vice Mayor McHugh, move to waive fees of approximately \$140 associated with rental of the Community Center large auditorium, in order for Milpitas High School students' "LIFE" program to host a fundraising event on February 19, 2010 to benefit environmental causes.

4. **Receive Status Report on Revenue-Expenditure Balancing Plan from the City's Cost Reduction Task Force (Contacts: Councilmember Giordano, 586-3032, and City Manager Tom Williams, 586-3051)**

Background: In April 2009, the Mayor announced, and the City Council confirmed by a unanimous vote, the need to develop a long term financial plan to address the City's ongoing structural deficit. Facing an \$8.7 million structural deficit in FY 2009-10, and a \$5-\$9 million structural deficit in each previous year for the last decade, the Mayor and City Council appointed a nine member task force to develop a plan. Task force members include City Councilmember Giordano, City Manager Tom Williams, Finance Director Emma Karlen and one representative from each of the six employee unions in the City of Milpitas. The purpose of this item is to receive a progress report on the work of the task force and direct the task force on proposed solutions, as appropriate.

Fiscal Impact: None at this time.

Recommendation: Direct staff on revenue/expenditure plan proposals.

XVII. NEW BUSINESS

5. **Receive Presentation by HF&H Consultants on the Future of the City's Solid Waste Program (Staff Contact: Kathleen Phalen, 586-3345)**

Background: Robert Hilton, president of HF&H, will present a professional perspective on the opportunities and challenges the City faces for its long-term delivery of solid waste services. The City entered into its existing solid waste and recycling collection and disposal contracts with Allied Waste in 1986 and these agreements will terminate in 2017. The capacity of Allied's Newby Island landfill, the City's long-term disposal site, will be reached a few years later. The field of solid waste services has evolved dramatically since 1986 under regulatory pressure and reduced disposal options. On August 4, 2009, the City entered into a five-year consultant agreement with HF&H Consultants to assist the City in developing a future solid waste handling plan to address these issues.

Fiscal Impact: None.

Recommendation: Receive the presentation from HF&H consultants on the future of the City's solid waste program.

6. **Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)**

Background: Much of the last month has been spent on the proposed Conference Center and the Redevelopment Plan Amendments. The Draft Environmental Impact Report (EIR) was distributed to all affected taxing agencies, along with the proposed plan amendments and Preliminary Report. Comments are due on January 19, 2010.

Conference Center: There is a great deal of excitement for the proposed conference center facility in the architectural community. Over 60 architect firms and potential sub-consultants (engineers, landscape designers, etc) toured the two buildings on Tuesday, November 17 and Friday, November 20. Staff fielded many follow-up inquiries and made available all documents on the City's website. Twenty firms responded to the Request for Qualifications on December 2. One firm was eliminated due to an incomplete package and as a result of the staff review, six firms were selected for a short-list. These firms are, in no particular order: Group4 Design, Noll & Tam, Fentress Architects, ELS, Hornberger + Worstell and Gensler.

Interviews of the firms will occur in mid-January to provide adequate time for the teams to prepare their presentations and complete building research. During this time, the buildings will be made available for further inspection and staff will also be developing additional information on the structures.

KLA Tencor: KLA is nearly complete with all the tenant improvements. Staff toured the campus to see the full extent of the improvements, which includes among other things, construction of portable clean rooms, new server rooms and manufacturing space. KLA is scheduled to complete the improvements and transition of all staff into the campus by mid-December. When all the work is complete there will be 2,100 employees housed at the campus which totals 727,000 square feet. This is an increase of more than 900 employees on the site.

Power Purchase Agreement: Staff met with Santa Clara County staff to make sure both parties are on track to participate in the first issue for a Power Purchase Agreement for alternative energy. Engineering is presenting a recommendation at the City Council meeting to complete a site analysis of the City's potential solar site that will create the opportunity for more savings when the PPA is issued. Staff is also working with other cities to do the same analysis so that the first issuance will include as many sites as possible, which will also create more of an opportunity for savings.

Freeway Signs: Activity renewed on the freeway signs from both McCarthy Ranch and Piercey Automotive Group over the last month. Staff will bring the recommendations for Development Agreements to the City Council Economic Development Subcommittee for its review and recommendation to the City Council in January.

Fiscal Impact: There is no fiscal impact associated with this action.

Recommendation: Receive the monthly economic development report from the Economic Development Manager.

XVIII. ORDINANCE

- * 7. **Waive the Second Reading and Adopt Uncodified Ordinance No. 276.1, Establishing 2010 and 2011 Annual Rates for Solid Waste and Recycling Services Provided by Allied Waste Services of North America (Staff Contact: Kathleen Phalen, 586-3345)**

Background: On December 1, 2009, the City Council introduced Ordinance No. 276.1, which adjusts the current solid waste and recycling service rates to the 2010 and 2011 rates. The adjustment is based on a formula in the City's solid waste, recycling and yard trimming franchise agreements with Allied Waste Services of North America, LLC (Allied). The rate adjustment will be effective from January 1, 2010 through December 31, 2011. The roll off customer rates will be adjusted in two annual steps effective January 1, 2010 and January 1, 2011 to moderate the impact of this increase on the customer class.

Fiscal Impact: None. There is no fiscal impact from the recommended action.

Recommendations:

1. Waive the second reading of uncodified Ordinance No. 276.1 establishing the 2010 and 2011 annual rates for solid waste and recycling and services.
2. Adopt uncodified Ordinance No. 276.1.

XIX. RESOLUTIONS

8. Receive Staff Presentation on the Comprehensive Parks Master Plan and Adopt Resolution Approving Plan (Staff Contact: Bonnie Greiner, 586-3227)

Background: The City of Milpitas initiated the Parks Master Plan in 2007. This comprehensive inventory and assessment plan is essentially a “Road Map” outlining every city park with existing facilities and recommended improvements. The City of Milpitas has 200 acres of developed parkland and 33 community parks. The Master Plan vision is to ensure a legacy for future generations, provide a wide variety of high quality parks and recreation services, preserve, protect and restore natural resources, to create an interconnected regional and local system of parks, trails and pathways, address deficiencies in safety and accessibility and develop and maintain parks, recreation facilities and programs that promote social interaction and a healthy community.

To aid in the needs assessment, staff used a comprehensive range of techniques to determine community desires and needs. This involved public workshops, written comment sheets, telephone survey, analysis of demographic trends, interactive website comments, and more.

This assessment has identified the following improvements to provide for community recreation needs over the next 30 years:

- Acquire undeveloped land for new parks and open spaces
- Renovate and enhance existing parks
- Upgrade existing playgrounds and add additional playgrounds
- Add additional athletic field space and outdoor sports courts
- Establish a central park for community gatherings
- Improve disabled access
- Complete the Sports Center Master Plan
- Additional trails

This Master Plan is to be a “living” document which will be amended as needed and incorporated into the Capital Improvement Program when funding becomes available. The plan also addresses alternative funding sources and implementation.

Fiscal Impact: None.

Recommendation: Receive the staff presentation and adopt a Resolution approving the comprehensive Parks Master Plan for the City of Milpitas.

*** 9. Adopt a Resolution Authorizing the Sole Source Purchase of Two Mobile Law Enforcement License Plate Recognition Camera Systems from PIPS Technology for the Not to Exceed Amount of \$49,363 (Staff Contact: Chris Schroeder, 586-3161)**

Background: License Plate Recognition (LPR) systems automate the process of gathering and analyzing information pertaining to license plate numbers. The license plate number is a key component of a vehicle description and may be one of the few leads available immediately after a crime is committed. These systems scan license plates and have been an effective tool in the recovery of stolen vehicles and the apprehension of crime suspects. The City currently employs two such systems with great success. With this purchase, the City will increase its capabilities to

four systems. U.S. Department of Homeland Security evaluated four systems and selected the PIPS Technology system. City of Milpitas Police and Information Services staffs were able to duplicate that study adding two more brands and still arrived at the same result. Therefore, staff recommends that this be a sole source procurement, pursuant to Municipal Code Section I-2-3.09 Sole Source Procurement.

Fiscal Impact: None. This is a programmed expense in the Police Dept. FY 2009-10 operating budget and is funded by a 2009 American Recovery and Reinvestment Act - Justice Assistance Grant (JAG) and the Citizens Option for Public Safety (COPS) 2008 grant.

Recommendation: Adopt a Resolution authorizing the sole source purchase of two Mobile Law Enforcement License Plate Recognition Camera Systems from PIPS Technology for the not-to-exceed amount of \$49,363.

XX. BIDS AND CONTRACTS

*** 10. Award Construction Contract to Guerra Construction Group for Cardoza Park Playground Renovation & Electrical Cabinet Upgrade, Projects No. 5088 and No. 5085 (Staff Contact: Steve Erickson, 586-3301)**

Background: On November 3, 2009, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Cardoza Park. The project provides for the removal of old and deficient park features. This first phase also provides for new playground surfaces, new play equipment, landscaping, walkways, picnic tables, benches, shade structures, and picnic grills. The replacement of electrical cabinets that have reached the end of their service lives at Cardoza, Creighton, and Hall Memorial Parks is also included in this project phase. The Engineer's Estimate for the base bid project work was \$960,000.

The project was advertised and fourteen (14) sealed bid proposals were received on December 3, 2009. Base bid proposals ranged from \$695,429.25 to \$958,471.84, and the lowest responsible base bid was submitted by Guerra Construction Group in the amount of \$695,429.25.

The bid package included one add alternate item for consideration of submitted pricing after bid opening. Staff recommends awarding the package with this item for a not to exceed price of \$17,000. The add alternate item will provide a 24-foot by 32-foot fabric covered shade structure over a portion of the new picnic area. Awarding the project base bid with the recommended alternate item brings the total construction contract to \$712,429.25, which is below the Engineer's Estimate and is within the project's cost plan and budget.

As was approved for the successful completion of the Senior Center and other recent projects with a tight completion schedule, staff is requesting the use of the same change order policy. This policy allows for the timely completion of the Cardoza Park Playground Renovation & Electrical Cabinet Upgrade Projects by next June 2010, while addressing the need to respond swiftly to construction conditions in order to limit potential claims or risk to the City. The construction contingency established for this project is \$150,000, and the change order authority would not exceed this amount, and would not require additional appropriation.

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

Recommendations:

1. Award a construction contract to Guerra Construction Group for Cardoza Park Playground Renovation & Electrical Cabinet Upgrade, Projects No. 5088 and No. 5085, in the amount of \$712,429.25, including one add alternate item.

2. Authorize staff to execute change orders for the Cardoza Park Playground Renovation & Electrical Cabinet Upgrade Projects, provided that the change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

* 11. **Authorize the City Manager to Execute the Streetlight License Agreement between the City of Milpitas and Pacific Gas & Electric Co. for the Installation of PG&E's SmartMeter Equipment on Certain of City's Existing Streetlight Poles (Staff Contact: Fernando Bravo, 586-3328)**

Background: Pacific Gas & Electric (PG&E) has embarked on a 3-5 year plan to automate the reading of gas and electric meters for all customers, eliminating manual reading of meters. In order to do so, a pole mounted SmartMeter device is needed to electronically read the meters.

PG&E desires to use existing poles whenever possible to eliminate the need for the erection of new poles, potentially raising residents' concerns regarding the aesthetics of their community.

With the automation of meter reading, PG&E is expected to be able to provide faster outage detection and restoration times as well as a reduction in its operating costs. In addition, customers will have the ability to monitor their usage in real time online and have fewer estimated or inaccurate bills.

PG&E is requesting a 20-year base term agreement to mount the SmartMeter devices on existing City streetlight poles. As of October 2009, PG&E requested that these SmartMeters be mounted on one streetlight pole located at 1082 Jacklin Road in the City of Milpitas (listed on "Exhibit A" in the Council's agenda packet). Similar agreements are in effect in the cities of Fremont, Union City, Newark, Hercules, and Benicia, among others.

Fiscal Impact: None. There is no fiscal impact, as PG&E will pay for all associated costs for the installation, administration and inspection for this project.

Recommendation: Authorize the City Manager to execute the Streetlight License Agreement between the City of Milpitas and Pacific Gas & Electric Company for installation of PG&E's SmartMeter Equipment on certain existing streetlight poles in the City.

* 12. **Approve an Amendment to a Contract for Code Compliance Services (Staff Contact: James Lindsay, 586-3273)**

Background: With adoption of the current budget, the Planning & Neighborhood Services Department eliminated funding for one of the three Housing & Neighborhood Preservation Specialist positions. These staff members are the front line code enforcement personnel. There has been an extended absence in one of the remaining funded positions since July 2009 and the City has been using a consultant to back fill the position. That contract has been expended and staff is requesting approval to increase the amount by \$30,000 to carry the contract through the fiscal year to ensure adequate coverage is provided.

Fiscal Impact: This request is to increase the compensation amount by \$30,000 and sufficient funds exist within the Department's budget to fund this request.

Recommendation: Authorize the City Manager to execute an amendment to a contract for code compliance services for an amount not-to-exceed \$49,500.