



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

TUESDAY, JANUARY 19, 2010

**6:00 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 (6:00 p.m.)**
- III. ADJOURN TO CLOSED SESSION OF CITY COUNCIL**
PUBLIC EMPLOYEES PERFORMANCE EVALUATIONS
Pursuant to CA Government Code §54957.
Positions: (1) City Manager Tom Williams and (2) City Attorney Mike Ogaz
- 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 (Vice Mayor McHugh)**
- VII. APPROVAL OF COUNCIL MEETING MINUTES – January 5, 2010**
- VIII. SCHEDULE OF MEETINGS – Council Calendars for January and February 2010**
- XIX. PRESENTATIONS**
 - Proclamation for Earth Hour - March 27, 2010
 - Recognition of Lucy Carlton, Andrew (Huy) La and Steve Tao for their years of service on the Terrace Gardens Board of Directors
 - Proclamation for Dr. Martin Luther King Jr. Birthday – January 18, 2010
- 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 HEARING

- 1. Hold Public Hearing and Adopt a Resolution Directing the County Agricultural Commission to Proceed with the Weed Abatement Program (Staff Contact: Albert Zamora, 586-3371)**

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Meeting Minutes – January 5, 2010

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

RA4. Receive Staff Report on Federal Economic Stimulus Program formally known as the “American Recovery and Reinvestment Act (ARRA)” (Staff Contact: Greg Armendariz, 586-3317)

***RA5. Adopt a Resolution Granting Final Acceptance of the Singley Area Rehabilitation, Phase V, Project No. 8193 (Staff Contact: Steve Erickson, 586-3301)**

***RA6. Adopt a Resolution Releasing the Resale Restriction Agreements for Three Affordable Housing Units (Staff Contact: Felix Reliford, 586-3071)**

RA7. Agency Adjournment

XVII. REPORTS OF MAYOR AND COMMISSION

*** 2. Consider Mayor’s Recommendations for Appointments and Re-appointments to Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

*** 3. Approve the Community Advisory Commission 2010 Work Plan (Staff Contact: Felix Reliford, 586-3071)**

XVIII. NEW BUSINESS

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

*** 5. Approve One Youth Sports Assistance Fund Grant Request (Staff Contact: Bonnie Greiner, 586-3227)**

XIX. ORDINANCE

6. Waive the First Reading and Introduce Uncodified Ordinance No. 279, Repealing Various Outdated and/or Unused Milpitas Municipal Code Provisions (Staff Contact: Michael Ogaz, 586-3041)

XX. RESOLUTION

- * 7. **Adopt a Resolution Approving an Amendment to Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program (JPA) (Staff Contact: Greg Armendariz, 586-3317)**

XXI. BID AND CONTRACT

- * 8. **Authorize the City Manager to Execute Contract with Artist Mary Ann Baker for “Generations” Public Art Project for the New Senior Center (Staff Contact: Renee Lorentzen, 586-2786)**

XXII. ADJOURNMENT

NEXT REGULAR MEETING: FEBRUARY 2, 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.)*
- Mobile Home Park Rental Review Board*
- Parks, Recreation and Cultural Resources Commission (alternate)*
- Recycling and Source Reduction Advisory Commission (alternate)*
- Senior Advisory Commission (alternate)*
- 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. PUBLIC HEARING

1. **Hold Public Hearing and Adopt a Resolution Directing the County Agricultural Commission to Proceed with the Weed Abatement Program (Staff Contact: Albert Zamora, 586-3371)**

Background: At its meeting of December 1, 2009, the Council adopted Resolution No. 7944 declaring weeds on certain described properties to be a public nuisance, and set a public hearing for January 19, 2010 to hear objections. A copy of the resolution was forwarded to the Santa Clara County Agricultural Commissioner. A notice for the public hearing was published and property owners mailed a notice of the proposed abatement by the County. The purpose of the public hearing is for the owners who object to the removal of the weeds to state their objections before the weeds are removed and the costs made a lien upon the property. A list of properties to be abated is included in the Council agenda packet along with a resolution directing the County Agricultural Commissioner to abate the weeds.

Fiscal Impact: None.

Recommendations

1. Open the Public Hearing for public comment.
2. Move to close the Public Hearing.
3. Adopt a resolution directing the County Agricultural Commissioner to abate the weed nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. **Call to Order/Roll Call by the Mayor/Chair**
- RA2. **Approval of Meeting Minutes – January 5, 2010**
- RA3. **Approval of Agenda and Consent Calendar (Item with asterisk*)**
- RA4. **Receive Staff Report on Federal Economic Stimulus Program formally known as the “American Recovery and Reinvestment Act (ARRA)” (Staff Contact: Greg Armendariz, 586-3317)**

Background: Over the last twelve months, staff has been working with several state and regional agencies including Congressman Mike Honda’s office, to pursue ARRA funds for City eligible projects. The City has been successful in obtaining funding for the respective programs/departments:

Engineering - Street Resurfacing	\$1,312,000
Engineering - Energy efficiency HVAC for PW/PD building	\$662,400
Police Department -	\$73,137
Planning – CDBG	- \$157,293
TOTAL =	\$2,204,830

Staff will provide additional information on the above projects and a potential second round of ARRA funding as well as the level of staff administrative resources to fulfill the federal program requirements.

Fiscal Impact: None.

Recommendation: Receive staff report on the federal Economic Stimulus Program, formally known as the American Recovery and Reinvestment Act (ARRA).

***RA5. Adopt a Resolution Granting Final Acceptance of the Singley Area Rehabilitation, Phase V, Project No. 8193 (Staff Contact: Steve Erickson, 586-3301)**

Background: Project No. 8193 was initially accepted on January 6, 2009, and has passed the one-year warranty period. A final inspection of the installed public improvements was made, and they were found to be satisfactory. The project provided asphalt concrete resurfacing and drainage improvements within the Singley neighborhood and surrounding areas.

<u>Street</u>	<u>Segment</u>
Hamilton Avenue	Merz Court to Enriquez Court
Hamilton Avenue	Tramway Drive to Escuela Parkway
Tramway Drive	Milpitas Boulevard to Donahe Drive
Tramway Drive	Escuela Parkway to Wyoma Place
Chad Drive	Singley Drive to Aaron Park Drive
Whittier Street	Entire Segment

Staff recommends the Redevelopment Agency grant final project acceptance and release the contractor's bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of the Singley Area Rehabilitation, Phase V, Project No. 8193, and release of the contractor's bond.

***RA6. Adopt a Resolution Releasing the Resale Restriction Agreements for Three Affordable Housing Units (Staff Contact: Felix Reliford, 586-3071)**

Background: The City has received notification from three property owners who would like to sell their moderate income affordable housing units. The Resale Restriction Agreement provides the Redevelopment Agency with the option to purchase the affordable housing units or exercise its right of first refusal not to purchase the units. During normal economic times, the City would have a list of eligible first-time homebuyers to purchase these affordable units. Staff recommends releasing the affordability restrictions on these three units for the following reasons:

- Moderate income households are able to afford market rate homes in the current housing market.
- The average subsidy required to convert a moderate income unit to low-income is approximately \$90,000 per unit.
- The loss of these three units, and the five units authorized for release last month, will not negatively affect the affordable housing inventory in the redevelopment area.

Fiscal Impact: None.

Recommendation: Adopt a resolution exercising the right of first refusal and releasing the Resale Restriction Agreements for three affordable housing units.

RA7. Agency Adjournment

XVII. REPORTS OF MAYOR AND COMMISSION

- * 2. **Consider Mayor's Recommendations for Appointments and Re-appointments to Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood recommends the following Milpitas residents be appointed and re-appointed to Commissions noted:

Community Advisory Commission:

Re-appoint Danny Fang to a term that expires in January 2014.

Re-appoint Syed Mohsin to a term that expires in January 2014.

Re-appoint Reena Choudhury to a term that expires in January 2014.

Parks, Recreation and Cultural Resources Advisory Commission:

Appoint Rebecca Villalobos as Alternate No. 1 to a term that expires in June 2010.

Appoint Stephanie Fong as Alternate No. 2 to a term that expires in June 2011.

Economic Development Commission:

Appoint Ricardo Ablaza as the commercial real estate representative to a term that expires in April 2011.

Veterans Commission:

Appoint William "Denny" Weisgerber to a term that expires in February 2013.

Additionally, Mayor Livengood requests that the City Council waive the requirement on a one time basis, per the City Council Handbook, that does not allow residents to serve on more than one Commission. Mr. Weisgerber presently serves as the Chair of the Senior Advisory Commission and Mr. Ablaza currently is a member of the Recycling and Source Reduction Advisory Commission.

Recommendation: Consider the Mayor's recommendations, move to approve appointments and re-appointments to Commissions and waive the requirement for two Commissioners to be permitted to serve on more than one Commission.

- * 3. **Approve the Community Advisory Commission 2010 Work Plan (Staff Contact: Felix Reliford, 586-3071)**

Background: The Community Advisory Commission (CAC) is advisory to the City Council on projects and programs that benefit the Milpitas community. The Commission's past accomplishments include implementing the Neighborhood Beautification Ordinance, the Heritage Tree Ordinance, hosting town hall meetings, and participating in neighborhood and creek clean ups, and neighborhood tree planting events. The proposed 2010 Work Plan is provided in the Council's agenda packet for consideration.

Fiscal Impact: None.

Recommendation: Approve the 2010 Community Advisory Commission Work Plan.

XVIII. NEW BUSINESS

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

Background: Conference Center: Interviews with the seven shortlisted architect firms will take place the week of January 11. A staff recommendation will be made to the City Council Economic Development Subcommittee on Monday, January 25.

Redevelopment Plan Amendment: All affected taxing agencies have received copies of the Preliminary Report approved by the City Council and Redevelopment Agency on December 3, 2009. No comments have been received. The Report to the City Council and Agency will be

presented on February 16, 2010, which includes the request to set April 6 as the Joint Public Hearing date.

Business Outreach: Letters have been sent to seven companies to initiate outreach. These companies are: Flextronics, JDS Uniphase, LSI Logic, Linear Technologies, Solyndra, SanDisk, and Lifescan. One of the outcomes will try and secure use tax designation for the City.

Great Mall: Great Mall management reports that November to November sales were flat, which is reflective of the economy and that December sales will not be available until January 20. Bed, Bath & Beyond continues its construction and plans to open February 15.

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

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

* **5. Approve One Youth Sports Assistance Fund Grant Request (Staff Contact: Bonnie Greiner, 586-3227)**

Background: On June 15, 2009, Council approved \$4,000 for the Youth Sports Assistance Fund for FY 2009-10. Included in the Council packet for review and consideration is one Group Youth Sports Assistance Fund application received from Milpitas Knights PAL Football in the amount of \$1,000, for football helmets and shoulder pads to meet football safety requirements.

Fiscal Impact: There is currently a balance of \$1,500 in the FY 2009-10 Youth Sports Assistance Fund. Approval of one grant in the amount of \$1000 will leave a balance of \$500 for the remainder of the fiscal year.

Recommendation: The Parks, Recreation and Cultural Resources Commission (PRCRC) and staff reviewed the application on January 4, 2010 and recommend the Council approve granting one Group Youth Sports Assistance Fund application, in the amount of \$1,000, to Milpitas Knights PAL Football.

XIX. ORDINANCE

6. Waive the First Reading and Introduce Uncodified Ordinance No. 279, Repealing Various Outdated and/or Unused Milpitas Municipal Code Provisions (Staff Contact: Michael Ogaz, 586-3041)

Background: This ordinance is proposed as an annual activity with the purpose of updating the Municipal Code. At this time, staff proposes elimination of various outdated or unused Code provisions through a blanket repeal of those provisions. At a meeting with senior staff and other key employees, outdated or unused Code sections were identified, discussed and recommended for proposed deletion. The particular provisions to be repealed are set forth in proposed Ordinance No. 279, which is included in the Council agenda packet.

In addition, staff identified other Code provisions that need some additions or language revisions, but are otherwise still viable and useful and which should not be repealed. Staff intends to address these more complex Code revisions later in the year. For now, staff proposes only the simple repeal of sections that are obsolete, unused or superseded by State law.

Fiscal Impact: None.

Recommendation:

1. Waive the first reading beyond the title of Ordinance No. 279.
2. Introduce Ordinance No. 279 to repeal various unused, outdated or superseded Milpitas Municipal Code provisions.

XX. RESOLUTION

- * 7. **Adopt a Resolution Approving an Amendment to Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program (JPA) (Staff Contact: Greg Armendariz, 586-3317)**

At the December 10, 2009 Valley Transportation Authority (VTA) Board of Directors meeting, the Board approved Resolution No. 2009.12.35 amending the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program (JPA) dated December 1, 1994.

This amendment will reconfigure the City groups (other than San Jose and Santa Clara County) from which representatives to the VTA Board of Directors are selected. The reconfiguration is more fully described in the Amendment to Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, included in the Council agenda packets. The effective date of this change is for terms beginning in January 2012.

All Amendments to the JPA require the approval of the VTA Board of Directors, the County Board of Supervisors and a majority of the cities representing the majority of the population.

This amendment revises the groupings of the Cities within the County of Santa Clara, other than San Jose, to include a new City group comprised of Sunnyvale, Santa Clara and Milpitas, that would appoint two VTA Board members and one alternate.

Fiscal Impact: None.

Recommendation: Adopt a Resolution approving an Amendment to the Joint Powers Agreement for the administration of the Santa Clara County Congestion Management Program (JPA), revising the City Groupings for appointment of members to the Santa Clara Valley Transportation Authority Board of Directors.

XXI. BID AND CONTRACT

- * 8. **Authorize the City Manager to Execute Contract with Artist Mary Ann Baker for “Generations” Public Art Project for the New Senior Center (Staff Contact: Renee Lorentzen, 586-2786)**

Background: On November 17, 2009, the City Council approved the “Generations” Public Art Project for the new Senior Center by artist Mary Ann Baker. This project includes four artistic and functional benches to be placed around the Senior Center for members to wait for rides, enjoy the Civic Center Plaza, and admire the Milpitas landscape.

This project was approved at a cost of \$86,500. Staff drafted, per the artist’s project bid, the contract agreement that is included in the Council agenda packet.

Fiscal Impact: None. Sufficient funds are available and allotted for this project in the Public Art budget.

Recommendation: Authorize the City Manager to execute a contract with artist Mary Ann Baker in an amount not to exceed \$86,500 for the “Generations” art project.

XXII. ADJOURNMENT

NEXT REGULAR MEETING: FEBRUARY 2, 2010