



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

TUESDAY, MARCH 2, 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 EMPLOYEE PERFORMANCE EVALUATION
Pursuant to CA Government Code §54957. Position: 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 (Councilmember Giordano)**
- VII. APPROVAL OF COUNCIL MEETING MINUTES – February 16, 2010**
- VIII. SCHEDULE OF MEETINGS – Council Calendar for March 2010**
- IX. PRESENTATIONS**
 - Recognition of Noel Jackson, 2010 Gene Schwab Memorial “Service Above Self” Award Winner
 - Arbor Day Proclamation – March 13, 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. UNFINISHED BUSINESS

- 1. Approve the Alternate Transit Center Layout for the Future Bay Area Rapid Transit (BART) Station in Milpitas (Staff Contact: James Lindsay, 586-3273)**

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. Call to Order/Roll Call by the Mayor/Chair**
- RA2. Approval of Meeting Minutes – February 16, 2010**
- RA3. Approval of Agenda and Consent Calendar (Items with asterisk*)**
- RA4. Receive Progress Report on the New Senior Center, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)**
- RA5. Provide Direction to Staff on the Selection of the Architectural Firm for the Milpitas Silicon Valley Conference Center (Staff Contact: Diana Barnhart, 586-3059)**
- *RA6. Adopt a Resolution of the Milpitas Redevelopment Agency Amending the Owner Participation Rules for Milpitas Redevelopment Project Area No. 1 (Staff Contact: Diana Barnhart, 586-3059)**
- *RA7. Adjust Grant Funding for Green Facility Study, Project No. 8190, and Department of Energy Grant Program, Project No. 8198 (Staff Contact: Greg Armendariz, 586-3317)**
- RA8. Agency Adjournment**

XVII. REPORTS OF MAYOR

- * 2. Consider Mayor’s Recommendation for Appointments of Alternate Members to the New Milpitas Veterans Commission (Contact: Mayor Livengood, 586-3051)**
- * 3. Approve Mayor’s Recommendation to Appoint Councilmember Giordano as the City Council Liaison to the New Veterans Commission (Contact: Mayor Livengood, 586-3051)**

XVIII. RESOLUTIONS

- * 4. Adopt a Resolution Granting Final Acceptance of the Main Sewer Pump Station, Project No. 6103, and Releasing the Improvement Bond (Staff Contact: Kathleen Phalen, 586-3345)**
- * 5. Adopt a Resolution Approving a Memorandum of Understanding with the Milpitas Supervisors Association (Staff Contact: Carmen Valdez, 586-3086)**

XIX. BIDS AND CONTRACTS

- * 6. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Harris and Associates for Design Services and Preparation of Federal Aid Forms, Street Pavement Resurfacing – Jobs for Main Street Act 2010, Project No. 4252 (Staff Contact: Steve Erickson, 586-3301)**
- * 7. Approve a Non-Exclusive Collection, Transportation, and Recycling Agreement with HomeSite Services Inc. (Staff Contact: Kathleen Phalen, 586-3345)**
- * 8. Authorize the City Manager to Execute Annual Agreements with the County of Santa Clara for Collection of AB939 Implementation Fees, and for Administering the Countywide**

Household Hazardous Waste Collection Program (Staff Contact: Kathleen Phalen, 586-3345)

- * 9. **Approve Agreements with the Milpitas Unified School District Regarding the Use of the Community Garden and Russell Middle School Bobby Sox Complex (Staff Contact: Mike Ogaz, 586-3040)**

XX. ADJOURNMENT

NEXT REGULAR MEETING: MARCH 16, 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:

*Arts Commission and Public Art Committee
Bicycle Pedestrian Advisory Commission
Community Advisory Commission (alternate)
Economic Development Commission (alternate)
Mobile Home Park Rental Review Board
Parks, Recreation and Cultural Resources Commission
Recycling and Source Reduction Advisory Commission (alternate)
Senior Advisory 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. UNFINISHED BUSINESS

1. **Approve the Alternate Transit Center Layout for the Future Bay Area Rapid Transit (BART) Station in Milpitas (Staff Contact: James Lindsay, 586-3273)**

Background: The Transportation and Land Use Subcommittee reviewed an alternative for the Milpitas BART Station Transit Center layout proposed by the Santa Clara Valley Transportation Authority (VTA) at its January 11 meeting and recommend the proposal be reviewed by the full City Council. City staff has been working closely with VTA staff over the past several years on the size and location of the Transit Center and parking that would support the future Milpitas BART station at Montague Expressway. The most recent option (in the agenda packet) includes the bus transit center west and all parking contained in a structure east of the BART Station. A background memorandum to the Subcommittee has been included in the Council's agenda packet describing the differences of this layout to the layout approved in the Transit Area Specific Plan. VTA is seeking Milpitas' support for this layout for the next New Starts Program Submittal with the Federal Transit Administration.

Fiscal Impact: None.

Recommendation: Approve the alternate Transit Center Layout for the Milpitas BART station.

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. **Call to Order/Roll Call by the Mayor/Chair**
- RA2. **Approval of Meeting Minutes – February 16, 2010**
- RA3. **Approval of Agenda and Consent Calendar (Items with asterisk*)**
- RA4. **Receive Progress Report on the New Senior Center, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)**

Background: The contractor Swenson & Associates continues with installation of new site work, exterior finishes, electrical, plumbing, and mechanical improvements. Installation of interior drywall, painting, and ceilings is underway. The project is on schedule and within budget. Project staff will provide additional project progress information at the Council meeting.

Fiscal Impact: None.

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

- RA5. **Provide Direction to Staff on the Selection of the Architectural Firm for the Milpitas Silicon Valley Conference Center (Staff Contact: Diana Barnhart, 586-3059)**

Background: Interest in a conference center to support Milpitas hotels came from a series of meetings the Mayor had with the local hoteliers. As business travel evaporated during the 2008 and 2009 economic slowdowns, occupancies and hotel tax revenues dropped considerably. Hotels noted that in addition to the reduced business travel, they also were hurt by the lack of meeting and conference room space, as they could only accommodate groups of 300 to 350. In turn, they lost a significant number of events to Santa Clara and San Jose.

One property with high visibility from the I-880 freeway was targeted for the conference center in a Request for Proposal (RFP) to architectural firms for the purpose of studying the feasibility of the proposed conference facility. This property consists of two buildings located at Alder Drive: 540 and 570 Alder Drive. The buildings, which have been vacant for nearly six years, are part of

an early 1980's Peery Arrillaga development that was purchased by RREEF several years ago. 570 Alder Drive is a one story building with approximately 45,000 sq. ft. of space. 540 Alder Drive is a two story building with approximately 53,000 sq ft and is connected to 570 Alder by a landscaped area. Information on the two buildings is included as Exhibit A.

Over 20 firms responded to the RFP and seven firms were selected for interviews. Three firms stood out from those interviewed: Fentress Architects, Group 4 Architecture, Research + Planning and ELS Architecture and Urban Design. These three firms were presented to the City Council Economic Development Subcommittee at its meeting on Monday, February 8. The Subcommittee considered the staff recommendation, Fentress Architects, and also heard from the other two architectural firms. As a result, the Subcommittee moved that two of the firms, Fentress and Group 4, should be considered by the full City Council for further direction.

Analysis

Both firms have the technical experience and desire to provide the architectural services for a potential conference center. What separated the firms during the staff interviews was Fentress' design experience as it relates to conversion and upgrades of older buildings to conference centers and its compact team approach. Fentress has the capability to do much of the work in house and was able to combine with a smaller number of sub-consultants to complete the work. Staff believes this will be more cost effective for the Phase I work. The firm's experience in the conversion of conference center buildings is impressive in design and function and recommendations from the building public owners were superb. Fentress also provided opportunities to use the open space effectively as a revenue generator and not just a pre-function space. Finally, Fentress has teamed with Convention Sports & Leisure (CS&L) to complete the building program to determine the potential market and provide recommendations on whether the conference center should be phased or completed at one time. CS&L recently completed an economic analysis of the proposed 49ers stadium and Convention Center in Santa Clara and also completed the original market program and financial study for the South San Francisco Conference Center. Fentress Architects is the current architect of the new San Jose Mineta Airport Terminal. Other comparable projects are the renovations and upgrades to the Pasadena Conference Center and the Palm Springs Conference Center.

Group 4 was selected by the City Council as the architect for the Milpitas Public Library. The firm is very familiar with Milpitas and staff is comfortable with their work as architects on the Library. Group 4 convened an extensive group of subconsultants for the project proposal including an internationally known conference center operations and design firm, Conventional Wisdom. Group 4 also has experience in conversion of non-conference center spaces into conference centers, having converted a dilapidated warehouse space into the South San Francisco Conference Center.

Both firms will make presentations to the City Council in addition to the staff report.

Staff envisions work on the conference center to be completed in two phases. The first phase, which is the subject of the initial contract, is to complete a building program and develop a conceptual design and cost estimate based on the proposed building program and design. Staff and the selected firm will work with stakeholders, such as the hoteliers, in developing the program. These results will be reviewed with the City Council Economic Development Subcommittee as part of the ongoing review to complete the Phase I effort.

If the project is deemed financially feasible, which will also be determined during Phase II, then Phase II would be the completion of construction and bid documents for bidding the project.

Fiscal Impact: None. There is no fiscal impact associated with this action.

Next Steps

Staff requests that the Agency/City Council take action on a recommended architectural firm so that negotiations for the Phase I work can be initiated. If negotiations are not successful with the selected architect firm, then staff will initiate discussions with the second architectural firm for a contract proposal. The completed contract will be brought back to the City Council Economic Development Subcommittee and to the Agency/City Council for final review and action.

Recommendation: Provide direction to staff on the selection of an architect firm for the proposed Milpitas Silicon Valley Conference Center and direct staff to return with the negotiated contract for final Agency/Council action.

***RA6. Adopt a Resolution of the Milpitas Redevelopment Agency Amending the Owner Participation Rules for Milpitas Redevelopment Project Area No. 1 (Staff Contact: Diana Barnhart, 586-3059)**

Background: The City of Milpitas has two redevelopment project areas - Milpitas Redevelopment Project Area No. 1 and the Great Mall Project Area - which were merged in 2006. Milpitas Redevelopment Project Area No. 1 contains approximately 2,230 acres. The original Redevelopment Plan for Project No. 1 was adopted by City Council Ordinance No. 192 on September 21, 1976, and consisted of approximately 577 acres ("Original Project Area") located in the central portion of the City. In 1979, Project Area No. 1 was amended to include an additional 483 acres ("Amendment Area No. 1"). In 1982, Project Area No. 1 was amended to include 479 acres ("Amendment Area No. 2") and in 2003, the Project Area was amended to add 691 acres ("Midtown Added Area"). The original Project Area No. 1 and Amendment Areas No. 1 and 2 are referred to as the "Amendment Areas."

The Great Mall Redevelopment Project was adopted by City Council Ordinance No. 192.8 on November 2, 1993 and consists of 150 acres. The Redevelopment Plan was amended on October 16, 2001, by Ordinance No. 192.13 to add 0.76 acres in two separate properties (located along I-880 and Montague Expressway containing 0.75 acres and along I-680 south of Calaveras Blvd. containing 613 square feet) to provide a regulatory basis for the placement and maintenance of freeway signs for business in the Great Mall Redevelopment Project Area.

Proposed Amendments

The City of Milpitas is considering amending the Project Area No. 1 Redevelopment Plan to: 1) extend by 10 years the effectiveness time limit and time period to repay debt/collect tax increment for the Amendment Areas; 2) repeal the debt establishment limit for the Amendment Areas; 3) increase the tax increment limit and bonded indebtedness limit and exclude the Midtown Added Area from the tax increment limit; 4) add projects and facilities to the list of eligible projects and facilities the Agency may fund; 5) reinstate eminent domain over non-residential uses in the Amendment Areas; 6) add territory totaling approximately 600 acres ("Thirteenth Amendment Added Area" or "Added Area"); and 7) make certain technical corrections, revise and update the various text provisions within the Redevelopment Plan to conform to the requirements of the California Community Redevelopment Law ("CRL").

Concurrently, the Agency is proposing to amend (the "Sixth Amendment") the Redevelopment Plan for the Great Mall Redevelopment Project ("Great Mall Project") to delete a non-contiguous area developed with a freeway sign ("Sixth Amendment Deleted Area"). The area identified for deletion is within the area proposed to be added to Project Area No. 1. Collectively, the Thirteenth Amendment and Sixth Amendment are referred to as the "Amendments" and Project Area No. 1 and the Great Mall Project are referred to as the "Project Areas."

Proposed Action

The Agency has Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences to Business Occupants in Milpitas Redevelopment Project Area No. 1 (commonly referred to as "Owner Participation Rules") for Project Area No. 1. The Owner Participation Rules are proposed to be amended to include the Added Area. The action before the Agency is the adoption of the amended Owner Participation Rules.

Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences to Business Occupants

CRL Section 33339 requires that every redevelopment plan provide for participation in the redevelopment of the property in the project area by the owners of all or part of that property and CRL Section 33339.5 requires that every agency extend reasonable preferences to persons who are engaged in business in the project area to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the redevelopment plan. CRL Section 33345 requires that within a reasonable time before approval of the redevelopment plan, a redevelopment agency shall make available for public inspection rules to implement these requirements. The Agency is proposing to amend its existing Owner Participation Rules to include the Added Area. Under the Owner Participation Rules, participation methods include remaining in substantially the same location either by retaining all or portions of the property, or by retaining all or portions of the property and purchasing adjacent property from the Agency. A property owner may join with another person or entity for the rehabilitation or development of the owner's property and, if appropriate, other property, or submit to the Agency for its consideration another method of participation proposal pursuant to the Owner Participation Rules. An owner who participates in the same location may be required to rehabilitate or demolish all or part of his/her existing buildings. Participation methods also include the Agency buying land and improvements at fair market value from owners and offering other parcels for purchase and rehabilitation or development by the owners. The Agency may offer the owner the opportunity to rehabilitate or develop property jointly with other persons or entities.

If conflicts develop between the desires of multiple potential participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the potential participants and to determine a solution by consideration of such factors as:

- (1) A participant's length of occupancy in the Project Area;
- (2) Accommodation of as many potential participants as possible;
- (3) Ability to perform;
- (4) Similar land use to similar land use; and
- (5) Conformity with intent and purpose of the Amended and Restated Redevelopment Plan.

Fiscal Impact: None. There is no fiscal impact associated with this action.

Recommendation: Adopt a Redevelopment Agency resolution amending the Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences to Business Occupants in Milpitas Redevelopment Project Area No. 1.

***RA7. Adjust Grant Funding for Green Facility Study, Project No. 8190, and Department of Energy Grant Program, Project No. 8198 (Staff Contact: Greg Armendariz, 586-3317)**

Background: Under the American Recovery and Reinvestment Act (ARRA) program, the City of Milpitas has been earmarked for \$662,400 of federal stimulus funding for energy efficient (green) projects. This program is being administered by the federal Department of Energy (DOE). Staff has been working with the DOE and Milpitas has received a partial award of \$113,248 to date. This funding currently resides in Project No. 8190, Green Facility Study. In order to simplify grant reporting and avoid commingling of grant project expenses with non-grant project expenses, a dedicated DOE Grant Program Project No. 8198 was authorized on January 5, 2010. It is now necessary to transfer the previous award of \$113,248 from Project No. 8190 to Project No. 8198.

Fiscal Impact: None.

Recommendation: Adjust grant funding for Green Facility Study, Project No. 8190, and Department of Energy Grant Program, Project No. 8198.

RA8. Agency Adjournment

XVII. REPORTS OF MAYOR

- * **2. Consider Mayor's Recommendation for Appointments of Alternate Members to the New Milpitas Veterans Commission (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood recommends the following citizens be appointed to the new Veterans Commission:

Appoint Liliana Ramos as Alternate No. 1 to a term that expires in February 2013.
Appoint Robert McGuire as Alternate No. 2 to a term that expires in February 2013.

Recommendation: Consider the recommendations from Mayor Livengood, and move to appoint two alternate members to the new Milpitas Veterans Commission.

- * **3. Approve Mayor's Recommendation to Appoint Councilmember Giordano as the City Council Liaison to the New Veterans Commission (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood recommends Councilmember Debbie Giordano be approved as the City Council liaison to the new Veterans Commission.

Recommendation: Approve Mayor Livengood's recommendation to appoint Councilmember Giordano as the City Council liaison to the new Veterans Commission.

XVIII. RESOLUTIONS

- * **4. Adopt a Resolution Granting Final Acceptance of the Main Sewer Pump Station, Project No. 6103, and Releasing the Improvement Bond (Staff Contact: Kathleen Phalen, 586-3345)**

Background: The Main Sewer Pump Station reconstruction project, which was initially accepted by City Council on February 3, 2009, has completed the one-year warranty period. Anderson Pacific Engineering and Construction, Inc. completed this capital improvement program project under a City contract and posted a faithful performance bond as surety through the warranty period.

The project consisted of the complete demolition and reconstruction of the former Main Sewer Pump Station, including construction of a new underground wet well with new submersible pumps and inline grinders, a new control building with electrical room, and site improvements including improved drainage, parking areas, perimeter fencing, landscaping and lighting. The pumping capacity was upsized and will allow for future expansion so that the station will serve the City's planned growth for the next twenty years or more. The reconstructed pump station is performing satisfactorily in accordance with its design and a satisfactory final inspection has been made of the public improvements.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of the Main Sewer Pump Station, Project No. 6103, and release of the contractor's bond.

- * **5. Adopt a Resolution Approving a Memorandum of Understanding with the Milpitas Supervisors Association (Staff Contact: Carmen Valdez, 586-3086)**

Background: The most recent Memorandum of Understanding with the Milpitas Supervisors Association (MSA) expired on December 31, 2009. City representatives and representatives from MSA met and conferred in good faith to negotiate a new contract. Agreement has been reached

on both sides and the new Memorandum of Understanding covering the period January 1, 2010 through December 31, 2010, which is included in the Council's agenda packet.

Fiscal Impact: None.

Recommendation: Adopt a Resolution approving the Milpitas Supervisors Association Memorandum of Understanding for the period January 1, 2010 through December 31, 2010.

XIX. BIDS AND CONTRACTS

- * **6. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Harris and Associates for Design Services and Preparation of Federal Aid Forms, Street Pavement Resurfacing – Jobs for Main Street Act 2010, Project No. 4252 (Staff Contact: Steve Erickson, 586-3301)**

Background: The City Council has approved a consultant agreement and amendment no. 1 with Harris and Associates totaling \$182,600 for the design of the Street Resurfacing Project 2009 Program, Project No. 8194. The program includes the design of three projects: Slurry Seal 2009, Roadway Resurfacing 2009, and Crack Seal 2009.

Staff now recommends approval of amendment no. 2 to the Harris and Associates agreement for additional pavement resurfacing design services and to prepare the required federal aid forms associated with the Street Pavement Resurfacing – Jobs for Main Street Act 2010 project. Staff negotiated a scope and fee for these services not to exceed \$50,000, which is considered reasonable for the work.

Fiscal Impact: None. Sufficient funds are available in the project budget for these consultant services.

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the agreement with Harris and Associates, in the amount of \$50,000, Project No. 4252.

- * **7. Approve a Non-Exclusive Collection, Transportation, and Recycling Agreement with HomeSite Services Inc. (Staff Contact: Kathleen Phalen, 586-3345)**

Background: In accordance with Title V, Chapter 200 of the Milpitas Municipal Code and the City's solid waste franchise agreement with Allied Waste Services, solid waste collectors may enter into non-exclusive agreements with the City to collect and dispose of certain non-organic solid waste and/or construction and demolition debris from Milpitas customers that are not covered by the Allied Waste Services Commercial Recycling Program. Such collectors agree to pay the City 12% of their total gross revenues earned within the City.

Staff reviewed an application from HomeSite Services Inc. to enter into a three-year agreement for collection, transport, and recycling of debris and find it in accordance with the City's requirements. HomeSite Services Inc. intends to haul general debris box waste such as construction and demolition waste. In accordance with the Milpitas Municipal Code, staff is also asking for the authority to administratively review collections under the agreement and grant a maximum of two, three-year agreement extensions upon a finding of compliance with the agreement terms.

Fiscal Impact: None.

Recommendation: Approve a Non-Exclusive Collection, Transportation, and Recycling of Debris Agreement with HomeSite Services Inc. and authorize staff to grant a maximum of two, three-year extensions to this Agreement.

- * 8. **Authorize the City Manager to Execute Annual Agreements with the County of Santa Clara for Collection of AB939 Implementation Fees, and for Administering the Countywide Household Hazardous Waste Collection Program (Staff Contact: Kathleen Phalen, 586-3345)**

Background: The City of Milpitas has two county-wide annual agreements with Santa Clara County that will terminate on June 30, 2010. These agreements provide funds to the City for its share of regional solid waste and household hazardous waste programs required by state law (AB939).

The first agreement, *Agency Agreement for the Countywide AB939 Implementation Fee*, sets the terms for the collection of landfill surcharge fees. The Integrated Waste Management Program for Santa Clara County has collected landfill-tipping fees from waste-haulers on behalf of all jurisdictions within the County since July 1992. Revenue from these fees funds County and local solid waste reduction activities. The proposed term of this agreement is from July 1, 2010 through June 30, 2011.

The second agreement, *Agency Agreement for the Countywide Household Hazardous Waste Collection Program*, set the terms of the collection of household hazardous waste. The Santa Clara County Department of Environmental Health has administered a Countywide Household Hazardous Waste Collection Program since October 1991. The agreement sets the terms for the funding and administration of electronic waste (e-waste) and household hazardous waste collection at various locations in Santa Clara County available to Milpitas residents. The proposed term of this agreement is also from July 1, 2010 through June 30, 2011.

The County has recommended maintaining the current AB 939 fee at \$4.10 per disposed ton to cover FY 2010-11 program costs. This fee would fund programs defined in both of the agreements listed above. Since this fee is paid by the landfill operator, there is no direct impact to the City budget or to ratepayers.

Fiscal Impact: None.

Recommendation: Authorize the City Manager to execute annual agreements with the County of Santa Clara for collection of AB 939 Implementation Fees and for administering the Countywide Household Hazardous Waste Collection Program.

- * 9. **Approve Agreements with the Milpitas Unified School District Regarding the Use of the Community Garden and Russell Middle School Bobby Sox Complex (Staff Contact: Mike Ogaz, 586-3040)**

Background: The City of Milpitas and the Milpitas Unified School District agreed in 1997 to joint use of baseball fields at Russell Middle School. During school days, the fields are available for school-sponsored athletics. After 4:00 p.m. and on weekends, the field is used for Bobby Sox baseball. This new agreement makes only minor clean-up changes; no substantive changes have been made. Similarly, the City and MUSD have an ongoing agreement for use of District property for purposes of the Cesar Chavez Community Gardens. Minor changes, including requirements to pre-approve any proposed improvements and to provide at least 90 days advance notice of intent to terminate, have been added. No other substantive changes are proposed. These agreements were approved by the School District Board in January of 2010.

Fiscal Impact: None. The agreements continue existing maintenance obligations but do not expand them.

Recommendation: Approve joint use agreements with the Milpitas Unified School District regarding use of the Cesar Chavez Community Gardens and the Russell Middle School Bobby Sox Complex, and authorize the City Manager to execute those agreements.

XX. ADJOURNMENT

NEXT REGULAR MEETING: MARCH 16, 2010