



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

**TUESDAY, APRIL 6, 2010  
7:00 P.M.**

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**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**
- III. PLEDGE OF ALLEGIANCE**
- IV. INVOCATION (Councilmember Gomez)**
- V. APPROVAL OF COUNCIL MEETING MINUTES – March 16, 2010**
- VI. SCHEDULE OF MEETINGS – Council Calendar for April 2010**
- VII. PUBLIC FORUM**

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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.

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- VIII. ANNOUNCEMENTS**
- IX. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- X. APPROVAL OF AGENDA**
- XI. CONSENT CALENDAR (Items with asterisk\*)**

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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.

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- XII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**
  - RA1. Call to Order/Roll Call by the Mayor/Chair**
  - RA2. Approval of Minutes – March 2, 2010**
  - RA3. Approval of Agenda and Consent Calendar (Items with asterisk\*)**

**RA4. Approve Agency and City Council Resolutions for the Supplement to the Agency's Report to the City Council on the Proposed Thirteenth Amendment to the Redevelopment Plan for Project Area No. 1, and for the Proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Plan (Staff Contact: Diana Barnhart, 586-3059)**

**PUBLIC HEARING (RA5 only)**

**RA5. Hold a Joint Public Hearing on the Proposed Thirteenth Amendment to the Redevelopment Plan for Project Area No. 1 and on the Proposed Sixth Amendment of the Redevelopment Plan for the Great Mall Redevelopment Plan (Staff Contact: Diana Barnhart, 586-3059)**

**\*RA6. Approve Plans and Specifications and Authorize the Advertisement for Bids for the Storm Pump Station Improvements, Projects No. 8188 and No. 8162 (Staff Contact: Steve Erickson, 586-3301)**

**\*RA7. Adopt a Resolution Amending the Affordable Housing Agreements with MIL Aspen Associates for the Aspen Family Apartment project at 1666 S. Main Street (Staff Contact: Felix Reliford, 586-3071)**

**RA8. Adjournment**

**XIII. REPORT OF MAYOR**

**1. Consider Request to Host a Joint Meeting with the Board of the Milpitas Unified School District (Staff Contact: Mayor Livengood, 586-3051)**

**XIV. ORDINANCE**

**\* 2. Waive the Second Reading and Adopt Ordinance No. 38.795 Amending the Municipal Code by Streamlining Planning and Entertainment Event Processes and Creating a Recreation and Entertainment Overlay District (Staff Contacts: Sheldon Ah Sing, 586-3278, and Bryan Otake, 586-3042)**

**XV. BID AND CONTRACT**

**\* 3. Approve Closure of Purchase Order with Meyers Nave and Appropriate the Unused Amount of \$33,730 to the City Attorney Budget for Other Legal Services (Staff Contact: Michael Ogaz, 585-3041)**

**XVI. ADJOURNMENT**

**NEXT MEETING: BUDGET STUDY SESSION, TUESDAY, APRIL 13, 2010**

**NEXT REGULAR MEETING: TUESDAY, APRIL 20, 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](mailto: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](http://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 (alternate)*

*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](http://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](mailto: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

### XII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

#### **RA4. Approve Agency and City Council Resolutions for the Supplement to the Agency's Report to the City Council on the Proposed Thirteenth Amendment to the Redevelopment Plan for Project Area No. 1, and for the Proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Plan (Staff Contact: Diana Barnhart, 586-3059)**

**Background:** The purpose of the Report to the City Council is to provide the facts and evidence required for the Agency and City Council to make necessary findings in connection with the adoption of the proposed Amendments. The Supplement provides additional information that has become available following the adoption of the Report to Council.

#### **Contents of the Supplement**

The Supplement to the Report to Council includes the Final EIR prepared for the Amendments and a summary of community consultations.

#### **Environmental Impact Report**

In accordance with the CRL and the California Environmental Quality Act ("CEQA"), a Program Environmental Impact Report ("EIR") has been prepared for the adoption and implementation of the proposed Amendments. The Draft EIR is incorporated within the Report to the City Council by reference. It was the conclusion of the EIR that the Amendments would encourage development that could result in potential environmental impacts that may be significant and unavoidable even with mitigation measures. These impacts may include greenhouse gas emissions that exceed air district thresholds and contribute to global climate change, further reductions in traffic levels of service within the Amendment Areas and proposed Added Area at currently impacted intersections and street segments, and further reductions in levels of service on currently impacted freeway segments.

The Agency received three comment letters on the Draft EIR from the Governor's Office of Planning and Research, Department of Toxic Substances Control and the Department of Transportation (Caltrans). The letter from the Governor's Office of Planning and Research was a disclosure letter acknowledging receipt of the Draft EIR and transmittal to state agencies for review. The letter from the Department of Toxic Substances Control was an offer to assist the Agency in oversight and cleanup activities. The Final EIR noted that specific projects will undergo individual environmental review during which site characterization and cleanup needs would be defined. Caltrans requested additional maps showing impacted road and freeway segments, and requested the inclusion of the Great Mall Parkway in the analysis. Caltrans also stated that work or traffic control that encroaches onto the State Right of Way requires an encroachment permit that is issued by the Department. The Final EIR includes the maps requested by Caltrans. In response to the request to analyze the Great Mall Parkway, the Final EIR noted that the Draft EIR listed all projects identified in the Transportation 2035 Plan for the San Francisco Bay Area, including those for the Great Mall Parkway. Also, the Amendments would not change land uses or generate any traffic impacts that were not previously considered in the 2035 plan. The Final EIR also acknowledged the encroachment permit requirement. In addition, the Final EIR includes a mitigation monitoring plan designed to aid the Agency in implementing and monitoring measures to reduce potential environmental impacts.

#### **Community Consultations**

Agency staff and consultants held a community information meeting at the City Hall Committee Room on March 25, 2010, at 6:30 p.m. Notice of the community meeting was included in the notice of the joint public hearing and was sent to property owners and occupants in the Project Areas and the proposed Added Area. The meeting included a PowerPoint presentation that reviewed how redevelopment works, the proposed Amendments, reasons for Amendments, Agency accomplishments and proposed projects. Copies of the Amended and Restated

Redevelopment Plan for Milpitas Redevelopment Project Area No. 1, the proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project and the amended Rules Governing Participation by Property Owner and the Extension of Reasonable Preferences to Business Occupants in the Milpitas Project Area No. 1 were available.

**Next Steps**

If the Agency/City approves the resolutions as described in this staff report, the next step will be to hold the Joint Public Hearing on the proposed redevelopment plan amendments.

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

**Recommendations:** Move to adopt two Resolutions:

1) A Resolution of the Milpitas Redevelopment Agency approving and adopting the Supplement to the Agency’s report to the City Council on the Proposed Thirteenth Amendment to the Redevelopment Plan for the Milpitas Redevelopment Project Area No. 1, and the Proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project and submitting said supplement to the City Council of the City of Milpitas.

2) A Resolution of the City Council of the City of Milpitas acknowledging receipt of the Supplement to the Agency’s Report to the City Council on the Proposed Thirteenth Amendment to the Redevelopment Plan for the Milpitas Redevelopment Project Area No. 1, and the Proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project.

**PUBLIC HEARING (RA5 only)**

**RA5. Hold a Joint Public Hearing on the Proposed Thirteenth Amendment to the Redevelopment Plan for Project Area No. 1 and on the Proposed Sixth Amendment of the Redevelopment Plan for the Great Mall Redevelopment Plan (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 the City Council by 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 and Amendment Areas No. 1 and 2 are referred to as the “Amendment Areas.”

The Great Mall Redevelopment Project was adopted by the City Council on November 2, 1993, by Ordinance No. 192.8 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 Interstate 880 & Montague Expressway containing 0.75 acres and along Interstate 680 south of Calaveras Boulevard containing 613 square feet) for the placement and maintenance of freeway signs for the Great Mall of the Bay Area.

**Proposed Actions:** The actions before the City Council and Agency are to conduct a joint public hearing on the Amendments (Exhibits A and B), on the Environmental Impact Report prepared for the Amendments (Exhibit C) and on an amendment to the July 2005-June 2010 Implementation Plan (Exhibit D). Once the hearing is opened and, after receipt of documents and presentation of the staff report, the Agency and City Council will receive public testimony on the Amendments, EIR and amendment to the Implementation Plan. Following receipt of the public testimony, the Agency and Council will close the joint public hearing.

Written objections were received from the affected taxing agencies or from property owners in the Project Areas or proposed Added Area, and as a result, the Agency and City Council will not

take actions on the resolutions and ordinances adopting the Amendments until written findings have been prepared and adopted that respond to the written objections. The findings will be considered at a subsequent meeting of the Agency and City Council scheduled for April 20, 2010, prior to consideration of the resolutions and ordinances.

### **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 (Health and Safety Code Section 33000 *et seq.*; "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."

### **Purpose of Amendments**

The proposed 10-year extensions of Plan effectiveness and time period for collection of tax increment/repayment of debt would provide the Agency with additional tax increment revenue from the Amendment Areas, which is needed to fund the completion of the Agency's redevelopment program for blight elimination and production of affordable housing. Given the severe downturn in the economy, the additional 10 years of Plan effectiveness is also needed to provide time to complete the Agency's projects and programs, which will largely be based upon private sector initiation of the rehabilitation and redevelopment of remaining blighted sites within the Amendment Areas. The additional 10 years will also provide needed time for the Agency to implement an extensive infrastructure improvement program.

The Agency is proposing to repeal the debt establishment limit currently set at January 1, 2014 for the Amendment Areas. By repealing this limit, the Agency will be able to establish debt during the length of the proposed effectiveness period, which includes issuing bonds and entering into agreements that would pledge tax increment revenues such as a development agreement.

It is currently projected that the Agency would reach the tax increment limit of \$2.4 billion in 2030 or 19 years before the Agency would otherwise be authorized to collect tax increment. To allow the Agency sufficient revenue to fund its redevelopment program for the Amendment Areas, it is proposed that the tax increment limit be increased to \$6.7 billion and that it be made applicable only to the Amendment Areas. Under the CRL, neither the Midtown Added Area nor the Thirteenth Amendment Added Area is required to have a tax increment limit. The proposed increase in the tax increment limit is necessary to allow the Agency to collect the additional tax increment that would be generated in the 10-year extension period for the Amendment Areas. The bonded indebtedness limit is also proposed to be increased. The increase in this limit is necessary to provide bonding capacity in relationship to the proposed tax increment limit for the Amendment Areas. Furthermore, unlike the tax increment limit, the bonded indebtedness limit applies to the Midtown Added Area and the proposed Thirteenth Amendment Added Area and needs to be large enough to provide adequate bonding capacity for these areas in addition to the Amendment Areas.

The Redevelopment Plan includes a description of public improvements and facilities that the Agency may install or construct or cause to be installed or constructed. The description of public improvements is also being updated and expanded as necessary to reflect the Agency's

anticipated public improvement projects and facilities over the remaining effectiveness period of the Redevelopment Plan.

The Agency proposes to reinstate eminent domain authority within the Amendment Areas and to establish eminent domain in the Added Area, in each case with the limitation that eminent domain authority would not be authorized to acquire real property that is occupied as a residence. Eminent domain will be established for a 12-year period from the date of adoption of the Thirteenth Amendment. Eminent domain may be needed to assemble small and irregularly shaped industrial and commercial sites to accommodate contemporary businesses that will contribute to the elimination of obsolete facilities, high vacancy rates and low lease rates.

The Thirteenth Amendment Added Area includes two primarily multiple-family residential areas referred to as the Adams and Selwyn/Shirley Subareas. These areas are being considered for inclusion in a redevelopment project to continue the City’s efforts to alleviate blighting conditions in these areas. The City, exclusive of the Agency, has been working with property owners and managers over several years to alleviate code violations and deter crime, particularly gang activity. Although these efforts produced short-term improvements, these largely residential areas continue to be impacted by blighting conditions. Redevelopment is proposed as another tool to improve these areas. As a result of a high industrial vacancy rate and aging and obsolete buildings, the Agency is also proposing to include a portion of the Town Center in a redevelopment project. The Agency is proposing to assist in rehabilitating and redeveloping property to meet contemporary user needs thereby reducing vacancies and increasing property values.

The Agency is proposing to make certain technical corrections to the Redevelopment Plan to update and clarify the provisions of the Redevelopment Plan. The proposed Thirteenth Amendment will be incorporated in a new Amended and Restated Redevelopment Plan that will apply to the Existing Project Area and Added Area.

The Sixth Amendment will amend the legal description of the Great Mall Project to reference the deletion of the freeway sign. No other amendment is proposed for the Great Mall Project. The proposed Sixth Amendment is a technical amendment necessary to avoid splitting or dividing a parcel within the proposed Added Area. The area proposed for deletion from the Great Mall Project includes only a freeway sign. The sign is not on a separate parcel but part of a parcel proposed to be included in the Added Area. Rather than try to exclude the sign from the parcel in the Added Area, it is proposed to be included as part of the Added Area and deleted from the Great Mall Project.

The following table summarizes the time and financial limits of the proposed Thirteenth Amendment.

**Milpitas Redevelopment Project Area No. 1 Redevelopment Limits Existing and Proposed**

Area	Debt Establishment	Plan Effectiveness	Debt Repayment	Tax Increment	Bond Debt	Eminent Domain
<b>Original Area</b>						
Existing	1/1/14	9/21/19	9/21/29	\$2.4 billion merged	\$498 million merged	None
Proposed	Repeal	9/21/29	9/21/39	\$6.7 billion merged	\$1.3 billion merged	12 years nonresidential
<b>Amendment Area No. 1</b>						
Existing	1/1/14	9/4/22	9/4/32	\$2.4 billion merged	\$498 million merged	None

Proposed	Repeal	9/4/32	9/4/42	\$6.7 billion merged	\$1.3 billion merged	12 years nonresidential
<b>Amendment Area No. 2</b>						
Existing	1/1/14	5/4/25	5/4/35	\$2.4 billion merged	\$498 million merged	None
Proposed	Repeal	5/4/35	5/4/45	\$6.7 billion merged	\$1.3 billion merged	12 years nonresidential
<b>Midtown</b>						
Existing	6/17/23	6/17/34	6/17/49	\$2.4 billion merged	\$498 million merged	6/17/15
Proposed	No change	No change	No change	Limit repealed	\$1.3 billion merged	No change
<b>Proposed Added Area</b>	5/4/30	5/4/40	5/4/55	None required	\$1.3 billion merged	12 years nonresidential
<b>Great Mall (deletion of territory no change to limits)</b>	Not Applicable	11/3/33	Not Applicable	Not Applicable	Not Applicable	None

### **Implementation Plan Amendment**

On or before December 31, 1994, and each five years thereafter, each redevelopment agency that has adopted a redevelopment plan prior to December 31, 1993, shall adopt, after a public hearing, an implementation plan that shall contain the specific goals and objectives of the agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the next five years, and an explanation of how the goals and objectives, programs and expenditures will eliminate blight within the project area and implement the CRL's affordable housing requirements. Concurrent with the adoption of the Amendments, the Agency is proposing to amend the 2005-2010 Implementation Plan to: 1) include the Added Area; 2) combine and simplify the goals and objectives for Milpitas Redevelopment Project Area No. 1, the Great Mall Project and apply the goals and objectives to the Added Area; and 3) acknowledge that the affordable housing set-aside requirement will increase from the 20 percent to 30 percent for the Amendment Areas beginning in the first fiscal year following adoption of the Thirteenth Amendment. The Agency is required to hold a hearing on the proposed amendments to the Implementation Plan prior to adoption. As provided by Law the Implementation Plan amendment hearing is being combined with the joint public hearing on the Amendments.

### **Next Steps**

In accordance with the CRL, before it may proceed to adopt the Amendments, the City Council must adopt written findings in response to any written objections thereto received from affected property owners or taxing entities prior to or during the joint public hearing. Written objections were received, and the Agency and City Council will consider and act upon the certification of the Final EIR, adoption of the Implementation Plan amendment, and hold the first reading of the ordinances adopting the proposed Amendments after the City Council considers the written findings at its meeting on April 20, 2010. The second reading of the ordinances adopting the proposed Amendments will occur at the May 4, 2010 meeting of the City Council.

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

**Recommendations:**

1. Open the Joint Public Hearing for testimony, to consider the proposed Amendments, Environmental Impact Report prepared for the Amendments, and amended July 2005 - June 2010 Implementation Plan.
2. Close the Public Hearing, following any comments.
3. Schedule an agenda item for the joint meeting of the City Council/Agency on Tuesday, April 20, 2010 to consider actions related to the amendments.

**\*RA6. Approve Plans and Specifications and Authorize the Advertisement for Bids for the Storm Pump Station Improvements, Projects No. 8188 and No. 8162 (Staff Contact: Steve Erickson, 586-3301)**

**Background:** Plans and specifications for these projects have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project provides for re-roofing and repairs at the Abbott Avenue, California Circle, Jurgens, McCarthy Ranch, Murphy Ranch, Wrigley-Ford, and Ayer Pump Stations. Replacement of the roof on the historic water tower that was relocated near the Midtown East Parking Garage as part of the Library project is also included for economy of scale.

The base project, which is the basis of award, will include re-roofing and repairs to the Abbott Avenue, Murphy Ranch, Ayer pump stations and the water tower roof. A bid alternate for replacement of the California Circle, Wrigley-Ford, Jurgens, and McCarthy pump stations is included and would be awarded if sufficient funding is available.

The Engineer's Estimate for the base bid work is approximately \$130,000. The Engineer's Estimate for the alternate bid work is approximately \$85,000. The Engineer's estimate includes a \$30,000 contingency for the abatement of asbestos, which may be present in the existing roofing materials. A copy of the project location map is included in the Council's agenda packet. Complete plans and specifications are available for review in the office of the City Engineer.

**Fiscal Impact:** None. Sufficient funds are available in the project budgets for base bid work.

**Recommendation:** Approve Plans and Specifications and authorize the advertisement for bids for the Storm Pump Station Improvements, Projects No. 8188 and No. 8162.

**\*RA7. Adopt a Resolution Amending the Affordable Housing Agreements with MIL Aspen Associates for the Aspen Family Apartment project at 1666 S. Main Street (Staff Contact: Felix Reliford, 586-3071)**

**Background:** In April 2007, the Redevelopment Agency approved the Owner Participation Agreement, Regulatory Agreement, and Memorandum of Understanding (the Agreements) with MIL Aspen Associates for the Aspen Family Apartments. The project consists of 100 units of affordable rental housing and the Agency has provided a \$2.3 million loan for the payment of developer's impact fees for long-term affordability in the project.

MIL Aspen has obtained a State tax credit allocation from the California Tax Credit Allocation Committee (CTCAC) to assist in financing the project. However, the CTCAC documents do not match the affordability levels approved in the Agreements. The Agency previously approved all 100 units to be affordable to very low income households. The CTCAC financing documents approved 95 units at very low income levels and 5 units at low income levels. MIL Aspen is requesting an amendment to the Agreements to match the reduced affordability levels reflected in the CTCAC documents. MIL Aspen has also agreed to an additional amendment to the OPA requiring the installation of security cameras in each of the parking garages.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution authorizing the amendment of affordable housing agreements with MIL Aspen Associates.

**RA8. Adjournment**

**XIV. REPORT OF MAYOR**

**1. Consider Request to Host a Joint Meeting with the Board of the Milpitas Unified School District (Staff Contact: Mayor Livengood, 586-3051)**

**Background:** At a recent communication meeting between select Councilmembers and School Board members, a request was made to hold a joint meeting of the full City Council and all School Board members in the City Council Chambers. Mayor Livengood requested that the meeting request be placed on this Council agenda for discussion. The City Council is requested to determine whether to host such meeting, select a date, and determine agenda items for such meeting.

**Recommendation:** Move to call for a joint meeting of the School Board with the Mayor and Council in the Council Chambers on a specified date and time. Direct City Clerk to prepare and post agenda with items identified at this meeting.

**XIV. ORDINANCE**

**\* 2. Waive the Second Reading and Adopt Ordinance No. 38.795 Amending the Municipal Code by Streamlining Planning and Entertainment Event Processes and Creating a Recreation and Entertainment Overlay District (Staff Contacts: Sheldon Ah Sing, 586-3278, and Bryan Otake, 586-3042)**

**Background:** On March 16, 2010, the City Council introduced Ordinance No. 38.795, which outlined more streamlined procedures and requirements for the review of certain land use applications to the City of Milpitas. Among other things, the Ordinance adds a new "Recreation and Entertainment Overlay District" to the Zoning Code and adds new provisions for the review of temporary, short-term activities, events and structures. No changes have been made to the ordinance since its first reading.

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

**Recommendations:**

1. Waive the second reading of Ordinance No. 38.795.
2. Adopt Ordinance No. 38.795 amending the Municipal Code by streamlining planning and entertainment event processes and creating a Recreation and Entertainment Overlay District.

**XV. BID AND CONTRACT**

**\* 3. Approve Closure of Purchase Order with Meyers Nave and Appropriate the Unused Amount of \$33,730 to the City Attorney Budget for Other Legal Services (Staff Contact: Michael Ogaz, 585-3041)**

**Background:** A purchase order with an unused balance of \$33,730.22 with the Meyers Nave law firm remains in the City Attorney budget from appropriations approved prior to hiring the present City Attorney. At this time, staff recommends closure of the Meyers Nave purchase order, re-appropriation of \$33,730 to the City Attorney budget, and authorization for the City Attorney to execute a contract for legal services with Renne, Sloan, Holtzman, Sakai, LLP, in an amount not to exceed the appropriation amount. It is anticipated that legal services rendered will be in the personnel and labor relations field.

**Fiscal Impact:** None.

**Recommendation:** Approve closure of Meyers Nave purchase order in the amount of \$33,730.22, approve an appropriation of \$33,730 to the City Attorney budget, and authorize the City Attorney to execute a contract with the law firm of Renne, Sloan, Holtzman, Sakai, LLP, in an amount not to exceed the appropriation.

**XVI. ADJOURNMENT**

**NEXT MEETING: BUDGET STUDY SESSION, TUESDAY, APRIL 13, 2010**

**NEXT REGULAR MEETING: TUESDAY, APRIL 20, 2010**