



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

TUESDAY, APRIL 20, 2010

**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 REAL PROPERTY NEGOTIATOR**
(Pursuant to CA Government Code § 54956.8)
Property: Real Property located at 130 Piedmont Road, Milpitas, CA
City Negotiator: City Engineer Greg Armendariz
Negotiating Party: Calvary Assembly
Under Negotiations: Purchase of interest in real property
 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Pursuant to CA Government Code § 54956.8)
Property: Real Property located at 230 North Main Street, Milpitas, CA
Agency negotiator: Executive Director Tom Williams
Negotiating Party: Apton Properties, LLC
Under Negotiations: Purchase of interest in real property
- IV. CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session if required, pursuant to CA Govt. Code §54957.1, including the vote on abstention of each member present
- V. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- VI. INVOCATION (Councilmember Gomez)**
- VII. APPROVAL OF COUNCIL MEETING MINUTES – April 6, 2010**
- VIII. SCHEDULE OF MEETINGS – Council Calendars for April and May 2010**
- XIX. PRESENTATIONS**
 - Young Child and Child Abuse Prevention Month – April 2010
 - Building and Safety Month - May 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 a Public Hearing and Consider Approval of the Community Development Block Grant Funding Allocations for FY 2010-11, and Adopt the One Year Action Plan (Staff Contacts: Felix Reliford, 586-3071, and Gloria Anaya, 586-3075)**

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. Call to Order/Roll Call by the Mayor/Chair**
- RA2. Approval of Meeting Minutes – April 6, 2010**
- RA3. Approval of Agenda and Consent Calendar (Item with asterisk*)**
- RA4. Approve Redevelopment Agency and City Council Resolutions Associated with the Approval of the Thirteenth Amendment to Project Area No. 1 Redevelopment Plan, and the Sixth Amendment to the Great Mall Redevelopment Plan; and introduce City Council Ordinances to Adopt the Amendments (Staff Contact: Diana Barnhart, 586-3059)**
- RA5. Review Draft 2010-2015 Capital Improvement Program (CIP) Report (Staff Contact: Greg Armendariz, 586-3317)**
- RA6. Receive Progress Report on the New Senior Center, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)**
- *RA7. Approve and Authorize the Agency Director to Execute a Consultant Agreement with Schaaf & Wheeler for Dredging of Ford/Wrigley Creeks, Project No. 8162 (Staff Contact: Fernando Bravo, 586-3328)**
- *RA8. Adopt a Resolution Granting Final Acceptance of Corporation Yard Canopy, Project No. 8183 (Staff Contact: Steve Erickson, 586-3301)**
- *RA9. Approve and Authorize the Agency Director to Execute an Agreement with Prints Charles Reprographics for Various Capital Improvement Program Projects and Engineering Department Printing Services (Staff Contact: Steve Erickson, 586-3301)**
- *RA10. Adopt a Resolution Granting Initial Acceptance and Reducing Performance Bond for Carlo Street Ramp Conversion, Project No. 8195 (Staff Contact: Steve Erickson, 586-3301)**
- *RA11. Authorize the City Manager to Execute a Consultant Contract with Maze & Associates Accountancy Corporation for Professional Auditing Services (Staff Contact: Emma Karlen, 586-3145)**

- *RA12. **Adopt a Resolution Authorizing the Purchase of One Low Income Unit and Releasing the Resale Restriction Agreements for Four Affordable Housing Units (Staff Contact: Felix Reliford, 586-3071)**
- *RA13. **Approve a Consultant Contract with Group 4 Architecture, Research and Planning, Inc. for Feasibility Analysis and Design of the proposed Milpitas Silicon Valley Conference Center, and Appropriate \$317,310 to the Economic Development Division Budget (Staff Contact: Diana Barnhart, 586-3059)**

RA14. **Agency Adjournment**

XVII. REPORTS OF COMMISSIONS

Telecommunications Commission

- 2. **Receive Telecommunications Master Plan Review and Update (Contact: Councilmember Gomez, 586-3031)**

Youth Advisory Commission

- * 3. **Adopt a Resolution Adopting the Bill of Rights for the Children and Youth in Milpitas (Staff Contact: Samu Tiimalu, 586-3222)**

XVIII. NEW BUSINESS

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

XIX. RESOLUTIONS

- * 5. **Adopt a Resolution Granting Final Acceptance of Sewer Deficiency and Structural Correction Program, Phase 4A, Project No. 6073 (Staff Contact: Steve Erickson, 586-3301)**
- * 6. **Adopt a Resolution Authorizing the Lead Collaborative Entity Sacramento County to Apply for Funds on Behalf of the City of Milpitas (Staff Contact: Chris Schroeder, 586-3161)**
- * 7. **Adopt a Resolution Approving a Six-Year Time Extension for the Landmark Tower Tentative Map (Staff Contact: Sheldon Ah Sing, 586-3278)**
- * 8. **Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Pyro Spectaculars for the Not-to-Exceed Amount of \$21,000 for the Annual Fourth of July Fireworks Display (Staff Contact: Chris Schroeder, 586-3161)**

XX. BIDS AND CONTRACTS

- * 9. **Approve a Joint Use Agreement with Milpitas Unified School District (Staff Contact: Michael Ogaz, 586-3040)**
- * 10. **Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Park Sidewalk Replacement, Project No. 5089 (Staff Contact: Steve Erickson, 586-3301)**
- * 11. **Award the Bid for a 2011 Ford F650 Truck and Compactor Body to Mission Valley Ford for the Not-to-Exceed Amount of \$122,823.96 (Staff Contact: Chris Schroeder, 586-3161)**
- * 12. **Approve Amendment to the Cost Sharing and Reimbursement Agreement for the Piper Montague Subdistrict (Staff Contact: James Lindsay, 586-3273)**

NEXT REGULAR MEETING: MAY 4, 2010

BUDGET HEARING: MAY 11, 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:

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.

*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 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 a Public Hearing and Consider Approval of the Community Development Block Grant Funding Allocations for FY 2010-11, and Adopt the One Year Action Plan (Staff Contacts: Felix Reliford, 586-3071, and Gloria Anaya, 586-3075)

Background: The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) program to local governments to assist in providing decent housing, suitable living environments, and opportunities to expand economic opportunities for low and moderate-income persons. The purpose of this hearing is to set funding allocations for the CDBG funds provided to the City for FY 2010-11 and to adopt the One-Year Action Plan.

During the month of January the City advertised the 30-day time period by which to submit CDBG funding applications and sent out notices to past service providers. The Community Advisory Commission (CAC) held a public hearing on March 3, 2010, to review the 19 applications received and provide funding recommendation to Council. CAC recommendations (provided in the Council's agenda packet) are based on an estimated allocation of \$590,109 and \$12,984 in unexpended Non-Public Services funds carried over from the current fiscal year. CAC recommendations also follow the City Council's adopted priorities for funding allocations within each HUD category:

Public Services

1. Senior Services
2. Youth/Teen Services
3. Homeless Sheltering/Services
4. Child Care
5. Battered Women Sheltering/Services

25% of the Public Service allocation to be reserved for City of Milpitas programs.

Non-Public Services (improvements)

1. Home Repair / Rehabilitation
2. Affordable Housing
3. Rental Apartment Rehabilitation

Program Administration

\$10,000 for Project Sentential for fair housing services should be allocated from Program Administration. An additional \$15,000 grant should come from the Redevelopment Agency's housing budget for a total contribution of \$25,000.

HUD has since provided the City the official allocation for next fiscal year which is \$638,938, a \$48,829 increase over last year and the estimated allocation considered by the CAC. An additional column has been added to the CDBG Funding Recommendations (an attachment) reflecting staff's recommended allocation for these additional funds.

The total allocation for FY 2010-11 is categorized as follows:

\$95,841	Public Services	15%
\$428,294	Non-Public Services	65%
<u>\$127,787</u>	<u>Administration</u>	<u>20%</u>
\$651,922	FY 2010-11 Total	

The total above includes the \$12,984 Non-Public Services carryover from FY 2009-10.

One-Year Action Plan

The Action Plan describes anticipated CDBG activities and expenditures for the ensuing fiscal year and how these activities relate to meeting objectives as stated in the Five-Year Consolidated Plan. The Draft Plan was advertised for public review for 30 days (March 18 through April 19, 2010) and sent to eighteen CDBG funded applicants and agencies. Public comments received will be incorporated in the Action Plan and forwarded to HUD by May 15, 2010. HUD reviews and approves the Action Plan prior to releasing any CDBG funds.

Attachments:

- A. 3/3/2010 CAC Approved Minutes
- B. CAC CDBG Funding Recommendation
- C. Draft 2010-11 Action Plan
- D. CDBG Appeal Request

Recommendations:

- 1. Open the Public Hearing for public comments.
- 2. Move to close the Public Hearing, following testimony.
- 3. Approve the CDBG funding levels for FY 2010-11.
- 4. Approve the One-Year Action Plan.

XIX. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Meeting Minutes – April 6, 2010

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

RA4. Approve Redevelopment Agency and City Council Resolutions Associated with the Approval of the Thirteenth Amendment to Project Area No. 1 Redevelopment Plan, and the Sixth Amendment to the Great Mall Redevelopment Plan; and introduce City Council Ordinances to Adopt the Amendments (Staff Contact: Diana Barnhart, 586-3059)

Background:

On April 6, 2010, the Agency and the City Council held a joint public hearing on the proposed Amendments, the Program Environmental Impact Report (EIR) prepared for the Amendments and an amendment to the July 2005-June 2010 Implementation Plan. During the hearing, the Agency and City Council were provided with a staff presentation on the proposed Amendments and had an opportunity to hear all evidence and testimony for and against the proposed Amendment, EIR and Implementation Plan amendment. Written comments were received and the City/Agency could not take action on the proposed adopting resolutions and ordinances.

Proposed Actions:

The further consideration and adoption of the proposed Amendments require certain actions by the Agency and City Council. As the lead agency under the California Environmental Quality Action (Public Resources Code §21000 et seq.; “CEQA”), the Agency must certify the EIR. Also as a requirement of CRL Sections 33333.11(e)(7) and 33451.5(c)(7) as a part of the procedure for adopting the Amendments that the Agency must amend the Agency’s 2005-2010 Implementation Plan including but not limited to the Agency’s housing responsibilities pursuant to Section 33490. The actions by the City Council include the adoption of findings in response to written objections to the Amendments, the adoption of findings based upon review and consideration of the EIR (as a responsible agency under CEQA), and the adoption of ordinances adopting the Amendments.

Proposed Amendments

The City of Milpitas is considering amending the Project Area No. 1 Redevelopment Plan to: 1) extend by ten 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.”

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
Original Area						
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
Amendment Area No. 1						
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
Amendment Area No. 2						
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
Midtown						
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
Proposed Added Area	5/4/30	5/4/40	5/4/55	None required	\$1.3 billion merged	12 years nonresidential
Great Mall (deletion of territory no change to limits)	Not Applicable	11/3/33	Not Applicable	Not Applicable	Not Applicable	None

Next Steps

Should the Agency and Council proceed with the adoption of the proposed Amendments, the second reading of the ordinances and adoption of the proposed Amendments would then occur at the May 4, 2010 City Council meeting.

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

Recommendations:

- 1) That the Redevelopment Agency and City Council adopt findings in response to written objections on the Amendments; and a) adopt four Agency resolutions, and b) adopt five City Council resolutions related to the adoption of the proposed Amendments including certifying the EIR prepared for the Amendments and an amendment to the July 2005-June 2010 Implementation Plan.
- 2) Move to waive the first reading beyond the title of the Ordinance No. 192.23, in order to adopt the Sixth Amendment of the Great Mall Redevelopment Plan.
- 3) Move to introduce Ordinance No. 192.23.
- 4) Move to waive the first reading beyond the title of the Ordinance No. 192.24, in order to adopt the Thirteenth Amendment to Project Area No. 1 Redevelopment Plan.
- 5) Move to introduce Ordinance No. 192.24.

Attachments:

Agency Resolutions

- 1) A Resolution of the Milpitas Redevelopment Agency amending the July 2005-June 2010 Implementation Plan.
- 2) A Resolution of the Milpitas Redevelopment Agency certifying the final program environmental impact report prepared for 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.
- 3) A Resolution of the Milpitas Redevelopment Agency making certain findings in connection with the proposed Thirteenth Amendment to the Redevelopment Plan for Milpitas Project Area No. 1.
- 4) A Resolution of the Milpitas Redevelopment Agency finding and determining that the use of monies from the low and moderate income housing fund outside of the boundaries of Milpitas Redevelopment Project Area No. 1 as amended by the Thirteenth Amendment will benefit the project area and authorizing the expenditure of such funds.

City Council Resolutions

- 1) A Resolution of the City Council of the City of Milpitas adopting written findings in response to written objections to the adoption of the proposed Thirteenth Amendment to the redevelopment plan for the Milpitas Project Area No. 1 and the proposed Sixth Amendment to the redevelopment plan for the Great Mall Project.
- 2) A Resolution of the City Council of the City of Milpitas making findings based upon consideration of the Final Environmental Impact Report prepared for the proposed Thirteenth Amendment to the redevelopment plan for the Milpitas Project Area No. 1 and the proposed Sixth Amendment to the redevelopment plan for the Great Mall project.
- 3) A Resolution of the City Council of the City of Milpitas finding and determining that the use of monies from the low and moderate income housing fund outside the boundaries of the Milpitas Project Area No. 1 as amended by the Thirteenth Amendment will benefit the project area and authorizing the expenditure of such funds.
- 4) A Resolution of the City Council of the City of Milpitas electing to receive a portion of the tax increments allocated from the Milpitas Project Area No. 1 pursuant to Health and Safety Code sections 33607.5 and 33607.7.
- 5) A Resolution of the City Council of the City of Milpitas electing to receive that portion of the tax increments from the Thirteenth Amendment Added Area attributable to tax rate increases imposed for the benefit of the City of Milpitas after the adoption of the proposed Thirteenth Amendment to the redevelopment plan for the Milpitas Project Area No. 1 pursuant to Health and Safety Code section 33676.

City Council Ordinances

- 1) Ordinance No. 192.23 of the City Council of the City of Milpitas amending Ordinances No. 192, 192.1, 192.2, 192.3, 192.4, 192.6a, 192.9, 192.11, 192.12, 192.14, 192.15, 192.16, 192.18

and approving and adopting the Thirteenth Amendment to the redevelopment plan for the Milpitas Project Area No. 1

2) Ordinance No. 192.24 of the City Council of the City of Milpitas amending Ordinances No. 192.8, 192.10, 192.13, 192.17, 192.19, 192.22 and approving and adopting the Sixth Amendment to the redevelopment plan for the Great Mall Redevelopment Project

RA5. Review Draft 2010-2015 Capital Improvement Program (CIP) Report (Staff Contact: Greg Armendariz, 586-3317)

Background: The draft 2010-2015 Capital Improvement Program (CIP) document has been prepared by staff and a copy is included in the Council packet. The projects are arranged into six main categories: Community Improvements, Parks, Streets, Water, Sewer, and Storm Drain. The document includes a summary by categories, and individual proposed project descriptions. Previously funded projects are also summarized.

Parks and Recreation projects have been reviewed and approved by the Parks, Recreation and Cultural Resources Commission on March 1, 2010. The draft CIP document will be presented to the Planning Commission on April 28, 2010, for a recommendation to find the document in conformance with the General Plan.

A staff presentation of the draft CIP highlights will be provided at the Agency/Council meeting. Based upon Agency/Council direction, the draft CIP will be revised and prepared as the Preliminary copy. The preliminary CIP will then be presented to the Agency/Council for approval at the May 11, 2010, budget hearing.

Fiscal Impact: None.

Recommendation: Provide staff with direction and comments on the 2010-2015 Capital Improvement Program.

RA6. Receive Progress Report on the New Senior Center, Project No. 8176 (Staff Contact: Steve Erickson, 586-3301)

Background: The contractor Swenson & Associates continues with site work, flooring, interior and exterior finishes. Furniture, Fixtures, & Equipment (FF&E) orders for new office furniture, exercise equipment, computers and equipment have been issued. 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 a progress report on the new Senior Center Project.

***RA7. Approve and Authorize the Agency Director to Execute a Consultant Agreement with Schaaf & Wheeler for Dredging of Ford/Wrigley Creeks, Project No. 8162 (Staff Contact: Fernando Bravo, 586-3328)**

Background: Ford and Wrigley Creeks are located between Main Street and Milpitas Boulevard, providing storm drainage for the Midtown and future Transit Specific Areas. These are City-owned and maintained creeks. This project clears the creeks of debris and sediment to maintain flood protection. Through the City's consultant selection process, Schaaf & Wheeler has been selected to provide the requested services (surveying, hydraulic analysis, biotic study, sediment sampling & testing, permitting with necessary agencies, construction documents). Staff negotiated a scope and fee to not exceed \$315,988.55, which is considered reasonable for this type of highly regulated (permitted) work. Of the \$315,988.55 fee: \$190,641.80 is for the base design work and \$125,346.75 is for optional tasks when required by permitting agencies or stricter regulations by newly discovered site conditions (test results).

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

Recommendation: Approve and authorize the Agency Executive Director to execute a consultant agreement with Schaaf & Wheeler, in the amount of \$315,988.55, Project No. 8162, subject to approval as to form by the City Attorney.

***RA8. Adopt a Resolution Granting Final Acceptance of Corporation Yard Canopy, Project No. 8183 (Staff Contact: Steve Erickson, 586-3301)**

Background: This project was initially accepted on March 17, 2009, and has passed the one-year warranty period. A final inspection of the installed public improvements was made and the work was found to be satisfactory. The project provided for the installation of a metal canopy to cover the vehicle fueling station, chemical fill area and vehicle wash area at the Public Works Corporation Yard. The fueling station was updated to comply with the enhanced vapor recovery requirement and a security system was implemented for the fuel operation.

Staff recommends the Agency/Council grant final project acceptance of Corporation Yard Canopy, Project No. 8183 and releases the contractor's bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of Corporation Yard Canopy, Project No. 8183, and release of the contractor's bond.

***RA9. Approve and Authorize the Agency Director to Execute an Agreement with Prints Charles Reprographics for Various Capital Improvement Program Projects and Engineering Department Printing Services (Staff Contact: Steve Erickson, 586-3301)**

Background: Engineering Staff issued a Request for Proposal (RFP) for printing and bid administration services for use in implementing the City's Capital Improvement Program (CIP). Services would include printing of design and construction plans and specifications, and bid administration services including maintaining a list of plan holders, and issuance of contract document addenda. Due to the complexity and specialized requirements of the needed services, an RFP solicitation was required to advertise and secure the best qualified service provider.

Several printing service companies responded to the RFP, and through the City's consultant selection process, Prints Charles Reprographics is recommended as the firm to contract with. Staff recommends a contract with a term of two years for a not to exceed amount of \$90,000. This fee would be spread out among the various CIP project budgets as the services are used to complete the respective projects.

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

Recommendation: Approve and authorize the Agency Director to execute an agreement with Prints Charles Reprographics, in the amount of \$90,000, subject to approval as to form by the City Attorney.

***RA10. Adopt a Resolution Granting Initial Acceptance and Reducing Performance Bond for Carlo Street Ramp Conversion, Project No. 8195 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Agency awarded the Carlo Street Ramp Conversion project to Joseph J. Albanese, Inc. on June 2, 2009. This project provided for the conversion of the existing Carlo Street/State Route 237 on-ramp to an eastbound Calaveras Boulevard (SR237) off-ramp. The project has been successfully completed, and staff recommends the Agency grant initial

acceptance of the project and authorize the reduction of the contractor's faithful performance bond to 10% of the contract amount or \$52,180.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of Project No. 8195 subject to the one year warranty period and reduction of the contractor's faithful performance bond to \$52,180.

***RA11. Authorize the City Manager to Execute a Consultant Contract with Maze & Associates Accountancy Corporation for Professional Auditing Services (Staff Contact: Emma Karlen, 586-3145)**

Background: The City's contract with Maze & Associates for professional auditing services expired in 2009, and staff issued a Request for Proposals on February 11, 2010. Twenty-four Certified Public Accounting firms were solicited and nine firms responded. In March, a panel consisting of the Finance Director of Santa Clara, the Accounting Officer of Mountain View, and staff interviewed the top three rated firms. Based on results of the interviews, the panel recommended Maze & Associates for the auditing services.

Maze & Associates specializes in governmental auditing and has an extensive base of clients in this region. The firm is committed to meet the City's audit timeline. Staff recommends entering into a three-year contract with Maze & Associates with optional one-year renewals (total contract term not to exceed five fiscal years). The scope of service includes issuance of audit reports on financial statements of the City, Redevelopment Agency, Milpitas Public Financing Authority, Single Audit, and Transportation Development Act. Fees for these audit services will not exceed \$79,275 for the first year, \$80,464 for the second year and \$81,670 for the third year. Fees for subsequent optional years will be \$82,894 for the fourth year and \$84,137 for the fifth year.

Fiscal Impact: None. Sufficient funds are available from the FY 2009-10 budget for this service.

Recommendation: Authorize the City Manager to execute a consultant contract with Maze & Associates Accountancy Corporation for professional auditing services.

***RA12. Adopt a Resolution Authorizing the Purchase of One Low Income Unit and Releasing the Resale Restriction Agreements for Four Affordable Housing Units (Staff Contact: Felix Reliford, 586-3071)**

Background: The City has received notification from five property owners who would like to sell their moderate and low income affordable housing units. The Resale Restriction Agreement provides the Redevelopment Agency with the option to purchase the affordable 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 moderate income homebuyers to purchase the units. Staff recommends releasing the affordability restrictions on four of the 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 four units will not significantly negatively affect the affordable housing inventory in the redevelopment area.
- In the current housing market, there are no active homebuyers for one-bedroom condominium units.

Staff does recommend purchasing the two-bedroom low-income unit at Parc Place. The Agency has successfully sold other two-bedroom low-income units in the same project. The price at

which the Agency will purchase this unit will be the price at which it will be sold to a new buyer and the Agency will be repaid the \$98,000 down payment assistance loan. Any down payment assistance for the new buyer would not exceed the original loan amount.

Fiscal Impact: None.

Recommendation: Adopt a Resolution authorizing the purchase of one low-income unit and releasing the Resale Restriction Agreements for the other four affordable units identified in the Resolution.

***RA13. Approve a Consultant Contract with Group 4 Architecture, Research and Planning, Inc. for Feasibility Analysis and Design of the proposed Milpitas Silicon Valley Conference Center, and Appropriate \$317,310 to the Economic Development Division Budget (Staff Contact: Diana Barnhart, 586-3059)**

Background: On March 2, 2010, the Agency/Council unanimously selected Group 4 Architects for the proposed Milpitas Silicon Valley Conference Center. Deliverables for the first phase will be to complete a Market Demand Study to determine the types of uses, other than a meeting room to seat more than 350 persons, which could be included in the project. Group 4 will work with Convention Sports and Leisure (CS&L) for the first task. The firm's work includes a similar study for the South San Francisco Conference Center and more recently, the San Francisco 49ers in their evaluation of a Santa Clara stadium.

If the Agency/Council determines, after the Market Study is completed, to proceed with the remaining tasks to complete the feasibility planning and design for the proposed conference center at 540 and 570 Alder Drive, the additional work will be able to proceed without delay. Staff negotiated a scope and fee for the complete Feasibility Analysis and Design with Group 4, including the Market Demand Study, for a total not to exceed \$317,310.

Fiscal Impact: Funds for the proposed contract of \$317,310 are within the unencumbered Redevelopment Agency Fund Balance.

Recommendation: Approve a consultant contract with Group 4 Architecture, Research and Planning, Inc. for Feasibility Analysis and Design of the proposed Milpitas Silicon Valley Conference Center, and appropriate \$317,310 to the Economic Development Division budget.

RA14. Agency Adjournment

XX. REPORTS OF COMMISSIONS

Telecommunications Commission

2. Receive Telecommunications Master Plan Review and Update (Contact: Councilmember Gomez, 586-3031)

Background: In 1995, the City adopted its first Telecommunications Master Plan. This plan was designed to act as a blueprint for the implementation of technology over a five year period. Since that time, the Telecommunication Commission has authored a new Master Plan every five years and directed a review of each plan at approximately the 2 ½ year point. The last five year plan was completed in 2007 and is due for review. After reviewing the overall progress of technology efforts in the City during several work sessions, the Telecommunications Commission has completed its review of the 2007 Telecommunications Master Plan. The Commission will briefly review the planning process, its benefits and results as well as present a review of progress on the 2007 Plan. The Commission has also prepared three additional recommendations for Council consideration.

Fiscal Impact: None.

Recommendations: Receive the Telecommunication Master Plan Update Report, and adopt the additional recommendations to the 2007 Telecommunications Master Plan as presented by the Telecommunications Commission.

Youth Advisory Commission

- * 3. **Adopt a Resolution Adopting the Bill of Rights for the Children and Youth in Milpitas (Staff Contact: Samu Tiimalu, 586-3222)**

Background: The Children's Agenda Vision Council embraces the diversity of the Milpitas community and believes all children and youth have the same rights, regardless of their culture, race, gender or gender identity, sexual orientation, religion or disability; and all children and youth have the right to a better world than the one they inherited. The County of Santa Clara County Children's Agenda Vision Council has sponsored the Bill of Rights which draws the attention of all County and local agencies, parents, guardians, and private enterprises throughout the county and provides them guidance in their decision making in order to foster the needs and healthy development of all children, youth, and families in the County Santa Clara County. The Youth Advisory Commission recommended that the City Council adopt the Bill of Rights for the Children and Youth in Milpitas as a guideline for all City local agencies, parents, guardians, communities, and private enterprises.

Fiscal Impact: None.

Recommendation: Per recommendation of the Youth Advisory Commission, adopt a resolution adopting the Bill of Rights for the Children and Youth in Milpitas.

XXI. NEW BUSINESS

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

Background:

Unemployment Rates: The unemployment rate in the San Jose-Sunnyvale-Santa Clara MSA was 12.1% in February 2010, down from a revised 12.4% in January 2010, and above the year-ago estimate of 9.9%. This compares with an unadjusted unemployment rate of 12.8% for California and 10.4% for the nation during the same period. Milpitas is 12.1%, down from 12.5% in January and up from 10.2% in February 2009.

Energy Efficiency Programs: The Power Purchase Agreement Request for Proposals was announced by Santa Clara County at a press conference on March 30. Responses to the RFP are due in in late spring as each City will need to review the responses and determine that the program will create the anticipated benefit. There are 15 Milpitas sites identified in the RFP which could accommodate 18 solar installations.

ICSC Retail in Monterey: Staff attended the ICSC Retail Conference in Monterey in March. The following retailers made pitches for expansion sites: Henry's, a branch of Smart & Final focused on produce and health and holistic items, Auto Zone, Sally Beauty, Taco Bell, ARCO/BP Petroleum, Chevron, Grocery Outlet, Chipotle, Propel Fuels (alternative fuel stations), 7-11 (which is rebranding to be more of a neighborhood convenience store with better take-out foods, dry cleaning drop-off and pick-up and banking), Cartridge World, Great Clips, Chick-A-Fil, 99-cent Stores, Staples, Gold's Gym, Auto Zone and In & Out Burger. Staff met with brokers for the Mervyn's site, who have no current leads and the property does not lend itself to easy subdivision for multiple tenants. Staff also met with the McCarthy Ranch brokers who believe that some of the existing businesses lease restrictions are impacting their ability to find tenants for the vacant spaces. They also do not have any leads for the large vacant spaces.

Great Mall: National sales reports indicate that March sales were strong and attributable to good weather and an early Easter holiday. Locally, the Great Mall indicates its preliminary estimates show a stronger March than last year and that the Great Mall performed well compared to other Mills properties.

Conference Center and Redevelopment: Much of March was devoted to conference center consultant negotiations and the completion of documents and reports for the Joint Public Hearing on April 6 for the proposed redevelopment plan amendments.

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

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

XXI. RESOLUTIONS

- * 5. **Adopt a Resolution Granting Final Acceptance of Sewer Deficiency and Structural Correction Program, Phase 4A, Project No. 6073 (Staff Contact: Steve Erickson, 586-3301)**

Background: This project 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 the work was found to be satisfactory. The project provided for the replacement of sewer lines on Louise Court, Moonlight Circle and Heath Street from Redwood Avenue to Elm Avenue.

Staff recommends the City Council grant final project acceptance of the Sewer Deficiency and Structural Correction Program, Phase 4A, Project No 6073 and release the contractor's bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of Sewer Deficiency and Structural Correction Program, Phase 4A, Project No. 6073, and release of the contractor's bond.

- * 6. **Adopt a Resolution Authorizing the Lead Collaborative Entity Sacramento County to Apply for Funds on Behalf of the City of Milpitas (Staff Contact: Chris Schroeder, 586-3161)**

Background: On January 5, 2010, the City Council adopted a resolution authorizing the City to join the CaliforniaFIRST program. The program was instituted by California Communities to allow property owners in participating cities and counties to finance renewable energy, energy efficiency and water efficiency improvements on their property. If a property owner chooses to participate, improvements will be financed by the issuance of bonds by California Communities. California Communities will then levy "contractual assessments" on the owner's property to repay the portion of the bonds issued to finance the improvements on that property.

It was established that the participating agencies will have to pay a program fee to fund the start-up costs. It was also anticipated that California Communities will be able to apply for grant funding to offset the participating agencies' program fees. The City's share of the program fee is \$12,500. Grant funding is now available from the State Energy Program (SEP) through the California Energy Commission to cover the program start up costs, local coordination and marketing costs for the CaliforniaFirst program. California Communities worked with Sacramento County as the lead agency to facilitate the application of the grant. In order to apply for the grant, each participating agency including the City of Milpitas is required to adopt a resolution of the City Council to authorize Sacramento County to apply for the grant funds on behalf of the agency.

Fiscal Impact: If the application is successful, the City will not have to pay the \$12,500 program fee.

Recommendation: Adopt a resolution authorizing the lead collaborative entity Sacramento County to apply for funds on behalf of the City of Milpitas, for the CaliforniaFirst program.

* 7. **Adopt a Resolution Approving a Six-Year Time Extension for the Landmark Tower Tentative Map (Staff Contact: Sheldon Ah Sing, 586-3278)**

Background: On November 18, 2008, the City Council approved the Landmark Tower project consisting of a 375 unit 18-story mixed use building to be located at 600 Barber Lane. The project approvals consist of a Tentative Map, Site Development Permit, and a Use Permit. Under the zoning and land use permitting revisions recently adopted by this Council in Ordinance No. 38.795 (Permit Streamlining), these approvals will expire on November 18, 2011 absent an extension of time.

The project applicant TP Pham LLC is now requesting a discretionary six-year extension of the life of its Tentative Map until November 18, 2017. Such an extension of the tentative map would also extend the life of the project's Site Development Permit and Use Permit, once the zoning and permit ordinance changes adopted by this City Council on April 6, 2010 go into effect.

Fiscal Impact: None.

Recommendations: Adopt a resolution approving a six-year time extension of the Landmark Tower Tentative Map.

* 8. **Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Pyro Spectaculars for the Not-to-Exceed Amount of \$21,000 for the Annual Fourth of July Fireworks Display (Staff Contact: Chris Schroeder, 586-3161)**

Background: 4th of July in Milpitas is traditionally marked by a display of fireworks. There are only two fireworks vendors in the Bay Area. With offices in Oakland, Pyro Spectaculars is the only full service provider of "Pyromusical™" fireworks displays in the Bay Area. The company is also the premier provider of pyrotechnic devices and aerial fireworks displays in the world. Based on its track record of excellence, safety, custom designed set pieces and bright work, Pyro Spectaculars has been the vendor of choice for the Milpitas Fire Department and the City of Milpitas for the past twelve years. Also, Pyro Spectaculars agreed to hold the price for the fourth year in a row. Based on the above, the Purchasing Agent is recommending that this service be awarded as a sole source procurement, as sanctioned in section I-2-3.09 of the Milpitas Municipal Code.

Fiscal Impact: \$21,000. Funds for this purchase are available from the Recreation Services operating budget.

Recommendation: Adopt a resolution authorizing the City Manager to execute an agreement with Pyro Spectaculars for the not-to-exceed amount of \$21,000 for the annual City of Milpitas 4th of July fireworks display.

XXII. BIDS AND CONTRACTS

* 9. **Approve a Joint Use Agreement with Milpitas Unified School District (Staff Contact: Michael Ogaz, 586-3040)**

Background: Over the past several months, the City has renewed and revised a series of agreements with Milpitas Unified School District for use of various properties for community purposes. This is the last agreement in the series and governs various facilities owned by each entity and used by the other, and sets pricing for such uses intended to be generally on equal terms. The agreement governs the use of City/School District athletic fields, indoor facilities and

equipment. It also allows the City to use in emergencies the multipurpose rooms of the District to assist the Red Cross care and shelter effort. The term of the agreement is for five years.

Fiscal Impact: Minimal. This action constitutes minor adjustments to existing price schedules for these uses.

Recommendation: Approve the Joint Use Agreement with Milpitas Unified School District and authorize the City Manager to execute the Agreement.

* 10. **Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals for Park Sidewalk Replacement, Project No. 5089 (Staff Contact: Steve Erickson, 586-3301)**

Background: Plans and specifications for this project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The base project, which is the basis for award, provides for the repair or replacement of damaged sections of sidewalks, pathways, header board, and adjustment of adjacent utilities at the Dixon Landing, Pinewood, and Murphy Parks. A bid alternate for the replacement of the pathway and header board at the Robert E. Browne Park is included, and would be awarded if sufficient funding is available.

The Engineer's Estimate for the base bid work is approximately \$88,000. The Engineer's Estimate for the add alternate work at the Robert E. Browne Park is approximately \$26,000. A copy of the project location map is included in the Council agenda packet. Complete plans and specifications are available for review in the office of the City Engineer.

Fiscal Impact: None. Funds are available in the project budget for the work.

Recommendation: Approve plans and specifications and authorize the advertisement for bid proposals for Park Sidewalk Replacement, Project No. 5089.

* 11. **Award the Bid for a 2011 Ford F650 Truck and Compactor Body to Mission Valley Ford for the Not-to-Exceed Amount of \$122,823.96 (Staff Contact: Chris Schroeder, 586-3161)**

Background: The current fiscal year's budget includes funds to purchase a 2011 Ford F-650 truck with a compactor body. Purchasing worked with Fleet Maintenance and Parks and Recreation staff to develop the specifications for the cab and chassis and the Royal GT 10 cubic yard rear loader compactor. This vehicle will replace the 1998 worn and obsolete compactor truck currently in service. On February 26, 2009 the bid was sent to nine (9) regional and Bay Area Ford truck dealers on the Purchasing vendor data base. In addition, the bid was advertised in the local newspaper and on the City website.

Three bids were received and are summarized below:

<u>Bidder</u>	<u>Total Bid</u>
Mission Valley Ford	<u>\$122,823.96</u>
Hansel Ford Inc.	\$123,206.71
San Francisco Ford	\$128,397.75

Fiscal Impact: \$123,823.976. Sufficient funding is available from the Equipment Replacement Fund for the purchase of this vehicle.

Recommendation: Award the bid for a 2011 Ford F650 truck and compactor body to Mission Valley Ford for the not-to-exceed amount of \$122,823.96, and the price includes sales tax, tire tax, and extended warranty.

* 12. **Approve Amendment to the Cost Sharing and Reimbursement Agreement for the Piper Montague Subdistrict (Staff Contact: James Lindsay, 586-3273)**

Background: In August 2009, the City Council approved the Cost Sharing and Reimbursement Agreement which establishes a cost sharing program among the property owners to assist in funding the public infrastructure needed to redevelop the properties within the Piper Montague Subdistrict of the Milpitas Transit Area. The City is a party to the agreement and will provide an impact fee credit to the owner that installs the sub-district public infrastructure for the costs that exceed their established fair share. This credit would later be reimbursed by the remaining owners through a surcharge on their impact fees. If the remaining owners do not develop their properties within seven years of the credit being issued, the City has the right to collect a special tax through the formation of a Community Facilities District (CFD) equal to the amount of impact fee credits owed.

This amendment clarifies that the property owners must bear the costs of and manage the delivery of the initial legal documents for the City to form the CFD. The amendment also extends the timeline to the CFD so that it occurs within 36 months or prior to the issuance of any credits, whichever occurs sooner. Such amendments allow the property owners to pool their collective resources, yet still ensure that public funds are safeguarded.

Fiscal Impact: None.

Recommendation: Approve the amendment to the Cost Sharing and Reimbursement Agreement with the property owners for the Piper Montague Subdistrict of the Transit Area Plan.

XXII. ADJOURNMENT

NEXT REGULAR MEETING: MAY 4, 2010

BUDGET HEARING: MAY 11, 2010