



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

TUESDAY, MAY 18, 2010

**7:00 P.M.
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

- I. CALL TO ORDER by the Mayor**
- II. ROLL CALL by the City Clerk**
- III. PLEDGE OF ALLEGIANCE**
- IV. INVOCATION (Mayor Livengood)**
- V. APPROVAL OF COUNCIL MEETING MINUTES – May 4, 2010**
- VI. SCHEDULE OF MEETINGS – Council Calendars for May and June 2010**
- VII. PRESENTATION – Hepatitis B Awareness Month – May 17-23, 2010**
- VIII. 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.

- IX. ANNOUNCEMENTS**
- X. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- XI. APPROVAL OF AGENDA**
- XII. 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.

XIII. PUBLIC HEARING

- 1. Hold a Public Hearing and Consider Adoption of a Resolution Upholding the Planning Commission's Actions on the Walmart Expansion Project (Staff Contact: James Lindsay, 586-3273)**

The appellant has made a written request to continue this item.

XIV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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

RA2. Approval of Minutes – May 4, 2010

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

***RA4. Adopt a Resolution Authorizing Release of the Resale Restriction Agreements for Two Affordable Housing Units Staff Contact: Felix Reliford, 586-3071)**

***RA5. Authorize the Agency Director to Execute a Contract Change Order for Median Mulch and Street Tree Maintenance for the Great Mall Parkway, Project No. 2001 (Staff Contact: Steve Erickson, 586-3301)**

***RA6. Authorize the Agency Director to Execute a Contract Change Order and Approve a Budget Appropriation for the South Main Street Streetscape, Project No. 4243 (Staff Contact: Steve Erickson, 586-3301)**

RA7. Agency Adjournment

XV. REPORTS OF MAYOR AND COUNCIL

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

3. Consider Mayor’s Recommended Appointments to the New Citizens Budget Task Force (Contact: Mayor Livengood, 586-3051)

*** 4. Approve Waiver of City Fees for St. John the Baptist Catholic Church’s Santa Cruzan Procession (Contact: Vice Mayor McHugh, 586-3023)**

XVI. NEW BUSINESS

*** 5. Consider Fee Waiver Request of Community Center Rental Fees for the 2010 Alcoholics Anonymous Annual Unity Day (Staff Contact: Rosana Cacao, 586-3207)**

*** 6. Accept Assistance to Firefighters Fire Prevention and Safety Grant for the Purchase of Arson/ Fire Investigation Equipment and to Fund Advanced Regional Training (Staff Contact: Eric Emmanuele, 586-3383)**

*** 7. Remove One Member of the Youth Advisory Commission Due to Lack of Attendance (Staff Contact: Mary Lavelle, 586-3001)**

XVII. RESOLUTIONS

*** 8. Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2010-2011, Preliminarily Approving the Annual Engineer’s Report and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Fernando Bravo, 586-3328)**

*** 9. Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2010-2011, Preliminarily Approving the Annual Engineer’s Report and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Fernando Bravo, 586-3328)**

- * 10. **Adopt a Resolution Requesting the Allocation of Transportation Development Act (TDA), Article 3 Funds for the Enhanced Crosswalk Improvements – Phase II Project (Staff Contact: Steve Chan, 586-3324)**

XVIII. BIDS AND CONTRACTS

- * 11. **Award the Bid for a 2011 Ford F-450 Truck with Service Body to San Francisco Ford for the Not-to-Exceed Amount of \$58,213.44 (Staff Contact:Chris Schroeder, 586-3161)**
- * 12. **Authorize the City Manager to Execute Amendment No. 1 to the Contract with CalRecovery, Inc. for Solid Waste Consulting Services (Staff Contact: Kathleen Phalen, 586-3345)**
- * 13. **Approve Amendment No. 1 to the Contract with Interim Fire Chief Jeffrey L. Clet (Staff Contact: Thomas Williams, 586-3050)**
- * 14. **Authorize the City Manager to Execute Contracts with Artists Adrian Litman and Joanie Popeo for the Senior Center Interior Public Art Project (Staff Contact: Renee Lorentzen, 586-2786)**
- * 15. **Authorize the City Manager to Execute a Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for Project Readiness Activities (Staff Contact: Greg Armendariz, 586-3317)**

XIX. ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY, JUNE 1, 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, and at the Milpitas Library during normal business hours.

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist for the:

Bicycle Pedestrian Advisory Commission (alternate)

Mobile Home Park Rental Review Board

Parks, Recreation & Cultural Resources Commission (alternate)

Recycling & Source Reduction Advisory Commission (alternate)

Senior Advisory Commission (alternate)

Youth 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

XIII. PUBLIC HEARING

1. **Hold a Public Hearing and Consider Adoption of a Resolution Upholding the Planning Commission's Actions on the Walmart Expansion Project (Staff Contact: James Lindsay, 586-3273)**

The appellant has made a written request to continue this item.

Background: In 1993, Walmart received approval for the development of a 131,725 square foot store including automotive service and repairs, a garden center, and a fast food service area. Walmart was later granted a Conditional Use Permit Amendment for the sale of refrigerated and frozen convenience food items in 2005. On March 24, 2010, the Planning Commission approved an 18,457 square foot building expansion (Site Development Permit Amendment SA09-0003), the sale of fresh grocery items and a full range of alcoholic beverages (Conditional Use Permit Amendment UA09-0002). Prior to approving the project, the Commission certified the environmental impact report (EIR EA09-0006) prepared for the project and adopted a statement of overriding considerations. A more detailed project description is contained within the Planning Commission staff report provided in the Council's agenda binder.

On April 1, 2010, the Milpitas Coalition for a Better Community filed an appeal of the Planning Commission's actions. The specific relief the appellant is seeking is to not certify the EIR as they claim it does not meet the requirements of the California Environmental Quality Act (CEQA), and that the Site Development and Conditional Use Permit amendments be denied as they claim the project is inconsistent with state and local planning and zoning laws including the Milpitas General Plan. The EIR followed all the requirements of CEQA as documented in the record and in Planning Commission Resolution No. 10-016. The Commission also found that the project was consistent with the Milpitas Zoning Ordinance and General Plan as documented in the record and in Resolution No. 10-017.

Fiscal Impact: None.

Recommendation: Take action on the appellant's request for a continuance.

XIV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. **Call to Order/Roll Call by the Mayor/Chair**
- RA2. **Approval of Minutes – May 4, 2010**
- RA3. **Approval of Agenda and Consent Calendar** (Items with asterisk*)
- *RA4. **Adopt a Resolution Authorizing Release of the Resale Restriction Agreements for Two Affordable Housing Units Staff Contact: Felix Reliford, 586-3071)**

Background: The City received notification from three property owners who would like to sell their moderate and low-income affordable housing units. The Resale Restriction Agreement provides for the Redevelopment Agency with the option to purchase the affordable units or exercise its right of first refusal not to purchase the units. Staff recommends releasing the affordability restrictions of the two units for the following reasons:

- The loss of these two 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 condominiums units.

Fiscal Impact: None.

Recommendation: Adopt a Resolution authorizing releasing the Resale Restriction Agreements for the two affordable units identified in the resolution.

***RA5. Authorize the Agency Director to Execute a Contract Change Order for Median Mulch and Street Tree Maintenance for the Great Mall Parkway, Project No. 2001 (Staff Contact: Steve Erickson, 586-3301)**

Background: The City Council/Agency awarded this project to Forster & Kroeger, Inc. on December 19, 2006. The project provided for a two year base agreement with extension options by contract amendment or change order for maintenance for the mulch within the median and the street trees along Great Mall Parkway from Interstate 880 east to the City limits. The work includes trash and weed removal, replacement of mulch and street trees as necessary.

Staff recommends that this contract be extended for an additional six months until such time as the Great Mall Median Landscaping project begins construction, which is anticipated later this year. Staff negotiated a change order with the contractor for a cost not to exceed \$3,000 for this additional work which is considered reasonable. Staff recommends approval of this change order.

Fiscal Impact: None. Sufficient funds are available in the project budget for the additional costs associated with this change order.

Recommendation: Authorize the Agency Director to execute the contract change order for Forster & Kroeger, Inc. in the amount not to exceed \$3,000.

***RA6. Authorize the Agency Director to Execute a Contract Change Order and Approve a Budget Appropriation for the South Main Street Streetscape, Project No. 4243 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Agency awarded this project to Jos. J. Albanese, Inc. on September 15, 2009. The project provides streetscape improvements along portions of South Main Street between Abel Street and Great Mall Parkway. Improvements include new curb, gutter, decorative sidewalk, shade trees, irrigation system, and street lighting. A sewer main line was also replaced as part of this project to provide clearance for street lighting and landscaping within the new median island.

The project work is now complete and staff is working with the contractor to close out the project. Staff has negotiated a final Balancing contract change order with the contractor for an amount not to exceed \$51,000. Staff recommends the approval of this change order to reflect extensions of material quantities installed during construction. Staff is requesting the approval of a budget appropriation of \$51,000 for this change order, and sufficient funds are available in the Street Fund.

Fiscal Impact: A budget appropriation in the amount of \$51,000 is required.

Recommendations:

1. Authorize the Agency Director to execute the contract change order for Jos. J. Albanese in the amount not to exceed \$51,000.
2. Approve a budget appropriation for \$51,000 from Street Fund into CIP Project No. 4243.

RA7. Agency Adjournment

XV. REPORTS OF MAYOR AND COUNCIL

- * 2. **Consider Mayor's Recommendations for Appointments/Reappointments to City of Milpitas Commissions (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood recommends the following residents be appointed to four Milpitas commissions as follows:

Community Advisory Commission

Newly appoint Samantha Beard as Alternate No. 4 to a term that expires in January 2012.

Economic Development Commission

Newly appoint Preeti Suri as Alternate No. 2 to a term that expires in April 2012.

Library Advisory Commission

Re-appoint Elpidio Estioko to a term that expires in June 2012.

Re-appoint Yu-Lan Chou to a term that expires in June 2012.

Senior Advisory Commission

Newly appoint Michelle Manassau to a term that expires in December 2011.

Recommendation: Consider the recommendations from Mayor Livengood, and move to approve his recommended appointments to four City of Milpitas Commissions.

- 3. **Consider Mayor's Recommended Appointments to the New Citizens Budget Task Force (Contact: Mayor Livengood, 586-3051)**

Background: Mayor Livengood would like to request approval by the City Council of his recommendations for members to serve on the new Citizens Budget Task Force.

Recommendation: Hear Mayor Livengood's recommendations and approve those persons to serve as members on the Citizens Budget Task Force.

- * 4. **Approve Waiver of City Fees for St. John the Baptist Catholic Church's Santa Cruzan Procession (Contact: Vice Mayor McHugh, 586-3023)**

Background: St. John the Baptist Church has requested a waiver of \$1,056 in City fees related to the permitting of its Santa Cruzan Procession on May 22, 2010 beginning at 6:00 pm. The procession is a parade around the block beginning at the church entrance on Abel Street. The fee amount includes a \$166 electrical permit fee and a \$890 Fire Prevention inspection fee. The City Council has previously approved other waivers for special events at St. John the Baptist Church.

Fiscal Impact: Loss of \$1,056 in fee revenue to the City.

Recommendation: Approve the waiver of City fees for St. John Baptist Catholic Church's Santa Cruzan Procession.

XVI. NEW BUSINESS

- * 5 **Consider Fee Waiver Request of Community Center Rental Fees for the 2010 Alcoholics Anonymous Annual Unity Day (Staff Contact: Rosana Cacao, 586-3207)**

Background: For over 15 years, Alcoholics Anonymous has hosted the annual Unity Day at the Milpitas Community Center. This event, open to all, is designed to inform members of the

service opportunities in Alcoholics Anonymous, to encourage their participation, and to focus attention on reaching and serving the still-suffering alcoholic. This organization, the Intergroup Central Office of Santa Clara County, Inc. is a California non-profit corporation and is fully supported by financial contributions from their members. No public funds or funds from other foundations, organizations, and individuals, even if offered. The group's primary focus and purpose is to maintain sobriety and help others to find sobriety.

Alcoholics Anonymous requests that City Council approve the waiver of facility rental fees for a total of \$735.50.

Fiscal Impact: Loss of \$735.50 in rental facility revenue to the City.

Recommendation: Approve the Alcoholics Anonymous request for fee waiver totaling \$735.50 for the August 22, 2010 Annual Unity Day event at the Milpitas Community Center.

* **6 Accept Assistance to Firefighters Fire Prevention and Safety Grant for the Purchase of Arson/ Fire Investigation Equipment and to Fund Advanced Regional Training (Staff Contact: Eric Emmanuele, 586-3383)**

Background: The City of Milpitas submitted a grant application to the Assistance to Firefighters Fire Prevention and Safety Grant program for the purchase of arson/fire investigation equipment as well as to fund advanced regional arson investigation training in October 2009. The grant was awarded by the Department of Homeland Security in April 2010. The Assistance to Firefighters Fire Prevention and Safety Grant provides funding directly to organizations to support projects that enhance the safety of the public and firefighters from fire and related hazards. This grant will support the City of Milpitas' joint Fire Department/Police Department Arson Investigation Program.

Fiscal Impact: The 2009 Assistance to Firefighters-Fire Prevention and Safety Grant is a 100% grant, without a City matching funds requirement. The total project cost is \$107,140. This grant will fund the purchase of essential arson investigation equipment as well as fund advanced training to fire/arson investigators from around the region. The advanced training, program development, and equipment supplied by this grant are designed to work towards regional prevention, identification and prosecution of arsonists at a time when arson crime rate is rising.

Recommendations:

1. Accept the grant from the Department of Homeland Security Grant for the purchase of arson/fire investigation equipment, and to fund advanced regional training.
2. Appropriate the \$107,140 grant to the Fire Department operating budget to purchase necessary equipment and to fund advanced training.

* **7. Remove One Member of the Youth Advisory Commission Due to Lack of Attendance (Staff Contact: Mary Lavelle, 586-3001)**

Background: Youth Advisory Commissioner Samuel Lai has not attended any Commission meetings since last fall 2009 (absent for the last five). The YAC staff liaison has made multiple attempts to reach him by phone and e-mail. Upon being notified of his lack of attendance, the City Clerk sent Mr. Lai a letter of inquiry on April 19, 2010, to which he did not respond.

Commission By-Laws state: "Youth Advisory Commission members and alternates shall be expected to attend all regular business meetings of the Youth Advisory Commission. When any member or alternate has three or more unexcused absences in a 12-month period, the Commission shall forward this information to the City Council for review and possible removal of the member from the Commission."

Fiscal Impact: None.

Recommendation: Due to lack of attendance and per Youth Advisory Commission by-laws, remove Samuel Lai as a voting member of the Youth Advisory Commission. If approved, this vote would create a vacancy on the YAC with a term expiration of September 2010.

XVII. RESOLUTIONS

- * 8. **Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2010-2011, Preliminarily Approving the Annual Engineer's Report and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Fernando Bravo, 586-3328)**

Background: Landscaping and Lighting Maintenance Assessment District (LMD) No. 95-1, provides for servicing and maintaining the public landscaping and additional lighting along North McCarthy Boulevard and Ranch Drive Gateway Improvements. On May 4, 2010, the City Council directed the City Engineer to prepare an annual engineer's report for LMD 95-1. It is now necessary for the Council to preliminarily approve the Annual Report and set the date of June 15, 2010 for a public hearing. Upon conclusion of the public hearing, and subsequent City Council approval of the Annual Engineer's Report, the assessment for the work will be added to the tax bills for those property owners included within the boundaries of the District.

Fiscal Impact: None.

Recommendation: Adopt a Resolution preliminarily approving the Annual Engineer's Report for Maintenance Assessment District No. 95-1 and providing for the notice of public hearing.

- * 9. **Adopt a Resolution of Intention to Levy Assessment for Fiscal Year 2010-2011, Preliminarily Approving the Annual Engineer's Report and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Fernando Bravo, 586-3328)**

Background: Landscaping and Lighting Maintenance Assessment District (LMD) No. 98-1, provides for servicing and maintaining the public landscaping along Sinclair Frontage Road, Los Coches and Berryessa Creeks abutting the Sinclair Horizon residential subdivision. On May 4, 2010, the City Council directed the City Engineer to prepare an annual engineer's report for LMD 98-1. It is now necessary for the Council to preliminarily approve the Annual Report and set the date of June 15, 2010, for a public hearing. Upon the conclusion of the public hearing, and subsequent City Council approval of the Annual Engineer's Report, assessment for the work will be added to the tax bills for those property owners included within the boundaries of the District.

Fiscal Impact: None.

Recommendation: Adopt a Resolution preliminarily approving the Annual Engineer's Report for Maintenance Assessment District No. 98-1 and providing for the notice of public hearing.

- * 10. **Adopt a Resolution Requesting the Allocation of Transportation Development Act (TDA), Article 3 Funds for the Enhanced Crosswalk Improvements – Phase II Project (Staff Contact: Steve Chan, 586-3324)**

Background: The City of Milpitas receives guaranteed funding from the Transportation Development Act (TDA) Article 3 fund each year for sidewalk and bicycle projects. The guaranteed funding is based on population; the 2010-11 guaranteed funding for Milpitas is \$26,686.

Staff has submitted a grant proposal to the Santa Clara Valley Transportation Authority for the release of this funding for an Enhanced Crosswalk Improvements Phase II project. The project will include the installation of Americans with Disabilities Act-compliant handicap ramps and the installation of a high-visibility crosswalk that utilize enhanced roadway markings, signs and technology improvements. The locations of improvements will be determined later.

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

Recommendation: Adopt a resolution requesting the allocation of Transportation Development Act, Article 3 Funds for the Enhanced Crosswalk Improvements – Phase I Project.

XVIII. BIDS AND CONTRACTS

- * 11. **Award the Bid for a 2011 Ford F-450 Truck with Service Body to San Francisco Ford for the Not-to-Exceed Amount of \$58,213.44 (Staff Contact: Chris Schroeder, 586-3161)**

Background: The current fiscal year's budget includes funds to purchase a 2011 Ford F-450 truck with a service body. The Purchasing Division worked with Fleet Maintenance and Utilities Maintenance Divisions to develop the specifications for the cab and chassis and the Stahl service body. On March 23, 2010, the bid for the truck was sent to five (5) regional and Bay Area Ford truck dealers on the City's vendor data base. In addition, the bid was advertised in the local newspaper and on the City website. Four bids were received and are summarized below:

<u>Bidder</u>	<u>Total Bid</u>
San Francisco Ford	\$58,213.44
Albany Ford	\$60,552.94
Mission Valley Ford	\$61,795.74
Serramonte Ford	\$62,203.25

Fiscal Impact: None. Sufficient funding is available from the Equipment Replacement Fund, Water Fund and Sewer Fund for the purchase of this vehicle.

Recommendation: Award the bid for a 2011 Ford F-450 truck and service body to San Francisco Ford as the lowest bidder for the not-to-exceed amount of \$58,213.44, including sales tax and tire tax.

- * 12. **Authorize the City Manager to Execute Amendment No. 1 to the Contract with CalRecovery, Inc. for Solid Waste Consulting Services (Staff Contact: Kathleen Phalen, 586-3345)**

Background: On April 14, 2009, the City entered into an agreement with CalRecovery, Inc., for a not to exceed value of \$10,000 for consulting services to assist on odor issues and other solid waste related matters. The consultant has assisted in the revision of the Odor Action Plan, analysis of meteorological data, and review of the Newby Island Environmental Impact Report/Recyclery Planned Development Rezoning.

Staff is recommending adding additional funds to the contract in the amount of \$15,000, for a total contract value not to exceed \$25,000, to allow the consultant to conduct further odor and solid waste consulting services as needed and at the direction of staff.

Fiscal Impact: None. There are sufficient funds available in the Engineering budget.

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the contract with CalRecovery Inc. for solid waste consulting services for an amount not to exceed \$15,000.

- * 13. **Approve Amendment No. 1 to the Contract with Interim Fire Chief Jeffrey L. Clet (Staff Contact: Thomas Williams, 586-3050)**

Background: On March 29, 2010, the City of Milpitas entered into a written agreement for consulting services with Jeffrey L. Clet, who is providing fire services management while the City conducts outreach and recruitment for a permanent fire chief. To date, the current agreement is for a not-to-exceed amount of \$19,999. Anticipated expenditures for fire services management with all administrative responsibilities of fire chief including supervisory authority over all Fire Department for the foreseeable future are approximately \$40,000. As such, staff recommends that the agreement be amended to add that amount for a total contract amount of \$59,999.

Fiscal Impact: None. Sufficient funds are already appropriated within the Fire Department’s budget to fund this contract amendment.

Recommendation: Approve an amendment to the contract with Interim Fire Chief Jeffrey L. Clet, adding \$40,000 to the existing contract of \$19,999, for a total not-to-exceed amount of \$59,999.

- * 14. **Authorize the City Manager to Execute Contracts with Artists Adrian Litman and Joanie Popeo for the Senior Center Interior Public Art Project (Staff Contact: Renee Lorentzen, 586-2786)**

Background: On May 4, 2010, the City Council approved four public art pieces for the interior of the new Senior Center by artists Adrian Litman and Joanie Popeo. The Public Art pieces will be located in the center Entrance Vestibule, Lobby Fireplace, Lobby Wall and Hallway for the Senior Center members and visitors from the general public to enjoy. The assigned project areas, artists and art project budgets are as follows:

Entrance Vestibule:	Adrian Litman	TBD	\$8,750
Lobby Fireplace:	Adrian Litman	“Garden Fantasy”	\$4,900
Lobby Wall:	Joanie Popeo	“Our View”	\$3,900
Hallway:	Adrian Litman	“Four Seasons”	\$4,750

As approved, the total project budget will be \$22,300. Staff prepared draft contracts, per the artist’s project bids. Three projects are scheduled to be completed and installed for the Senior Center Grand Opening in August 2010. The art piece to be placed in the Entrance Vestibule is expected to be installed in this fall.

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

Recommendation: Authorize the City Manager to execute contracts with artist Adrian Litman in the amount not to exceed \$18,400 and with artist Joanie Popeo in the amount not to exceed \$3,900.

- * 15. **Authorize the City Manager to Execute a Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for Project Readiness Activities (Staff Contact: Greg Armendariz, 586-3317)**

Background: On March 4, 2010, Santa Clara Valley Transportation Authority (VTA) Board of Directors approved the use of up to \$1,000,000 in order to fund the Project Readiness Initiative Program. VTA also authorized the General Manager to execute funding agreements with member agencies to implement the program. This program provides the opportunity for each City and Santa Clara County to obtain small project grants from VTA, in order to develop

concepts and prepare transportation grant applications to compete for regional (Metropolitan Transportation Commission), state and federally funded transportation grants.

The grant parameters are as follows:

- The funding for grants would be provided through VTA's Local Program Reserve;
- Up to \$1.0 million would be made available to the program;
- This is considered to be a one-time program, implemented through two \$500,000 grant cycles, if needed;
- Grants would be limited to \$25,000 each
- Cities/County can receive more than one grant;
- Cities/County to submit quarterly invoices to VTA with details of all costs incurred for the purpose of pursuing and submitting grant applications, until the \$25,000 are expended;
- In order to be eligible for the grant, the project sponsor would be required to commit via an agreement with VTA to developing a project concept and grant application for submittal to VTA or MTC programs within FY 2010 or FY 2011.

Fiscal Impact: The City would obtain a VTA grant of \$25,000, in order to pursue grants for Transportation projects. Staff would also pursue additional VTA grants as needed, in order to maximize the City's grant opportunities.

Recommendation: Authorize the City Manager to execute a Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for project readiness activities.

XIX. ADJOURNMENT

NEXT REGULAR MEETING

TUESDAY, JUNE 1, 2010