



**MILPITAS CITY COUNCIL
MILPITAS REDEVELOPMENT AGENCY
MILPITAS PUBLIC FINANCING AUTHORITY
MEETING AGENDA
TUESDAY, FEBRUARY 1, 2011**

6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

I. CALL TO ORDER by the Mayor (6:00 p.m.)

II. ROLL CALL by the City Clerk

III. ADJOURN TO CLOSED SESSION OF CITY COUNCIL

CONFERENCE WITH LABOR NEGOTIATOR - COLLECTIVE BARGAINING

Pursuant to CA Government Code §54957.6 City Negotiator: Carmen Valdez

Employee Groups: Milpitas Supervisors Association (MSA), Milpitas Employees Association (MEA)

Under Negotiation: Wages, Hours, Benefits, and Working Conditions

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

VI. INVOCATION (Councilmember Polanski)

VII. APPROVAL OF COUNCIL MEETING MINUTES – January 18, 2011

VIII. SCHEDULE OF MEETINGS – Council Calendar for February 2011

IX. PRESENTATIONS

Presentation of Commemorative Plaque regarding Flag of Vietnam to Vietnamese Community of Northern California and President Tien Nguyen

Proclamations:

- Dr. Martin Luther King Jr. Birthday – January 17, 2011
- Black History Month – February 2011
- Rotary Club's Gene Schwab Memorial "Service Above Self" Award Winner Flora Tzeng and Certificates to Nominees
- Child Safety and Accident Prevention Year

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 Weed Abatement Public Hearing and Adopt a Resolution Directing the Abatement Program (Staff Contact: Albert Zamora, 586-3371)**

XVI. UNFINISHED BUSINESS

- 2. Reconsider Meeting Date For Review of the Citizens Budget Task Force Recommendations (Contact: Tom Williams, 586-3051)**
- 3. Receive Update on Solar Lighted Soccer Fields (Staff Contacts: Diana Barnhart, 586-3059)**

XVII. JOINT REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, AND CITY COUNCIL MEETING

- RA1. Call to Order/Roll Call by the Mayor/Chair**
- RA2. Approval of Minutes – January 4, 2011**
- RA3. Approval of Agenda and Consent Calendar (Items with asterisk*)**
- RA4. Approve Letters of Support for Continuance of the Milpitas Redevelopment Agency (Staff Contact: Diana Barnhart, 586-3059)**
- RA5. Receive Financial Status Report for the Six Months Ended December 31, 2010 (Staff Contact: Emma Karlen, 586-3145)**
- *RA6. Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended December 31, 2010 (Staff Contact: Emma Karlen, 586-3145)**
- *RA7. Approve FY2010-11 Mid-Year Budget Appropriations for Operating Budget and Capital Improvement Project Budget (Staff Contact: Emma Karlen, 586-3145)**
- *RA8. Adopt Three Resolutions of the Milpitas Redevelopment Agency, Milpitas City Council, and Milpitas Public Financing Authority Authorizing Investment of Monies in the Local Agency Investment Fund (Staff Contact: Emma Karlen, 586-3145)**
- *RA9. Set Public Hearing Date for Consideration of the Proposed 2011–2015 Redevelopment Implementation Plan (Staff Contact: Diana Barnhart, 586-3059)**
- *RA10. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for South Main Street Streetscape, Phase 1, Federal Aid Project No. CML-5314 (006), Project No. 4243 (Staff Contact: Steve Erickson, 586-3301)**
- *RA11. Adopt a Resolution Granting Final Acceptance of the Sidewalk Widening at Calaveras Boulevard Bridges, Project No. 4202 (Staff Contact: Steve Erickson, 586- 3301)**

***RA12. Award Construction Contract to Green Earth Engineering & Construction, Inc. for Midtown East Parking Garage Screens, and Authorize Staff to Execute Contract Change Orders, Project No. 8161 (Staff Contact: Steve Erickson, 586-3301)**

RA13. Agency Adjournment

XVIII. REPORTS OF MAYOR and COMMISSION

4. Receive Mayor's Recommendations and Vote to Approve Appointments to Outside Agencies (Staff Contact: Mayor Esteves, 586-3029)

*** 5. Consider Mayor's Recommendation for Appointments/Re-Appointments to Four Milpitas Commissions (Contact: Mayor Esteves, 586-3029)**

*** 6. Approve the 2011 Community Advisory Commission Work Plan (Staff Contact: Felix Reliford, 586-3071)**

XIX. NEW BUSINESS

7. Receive Report on City's Aging Infrastructure (Staff Contact: Greg Armendariz, 586-3317)

XX. RESOLUTION

*** 8. Adopt a Resolution Authorizing the City Manager to Execute the Extension of the Piggyback Agreement with Ricoh Americas Corporation Through the City of San Jose Contract for Printers and Copiers (Staff Contact: Chris Schroeder, 586-3161)**

XXI. BID AND CONTRACT

*** 9. Approve Amendment No. 3 to the Agreement with Bellinger, Foster, Steinmetz Landscape Architecture for the Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Steve Erickson, 586-3301)**

XXII. DEMAND

*** 10. Approve Payment Request to County of Santa Clara for 2010 Municipal Election Costs (Staff Contact: Mary Lavelle, 586-3001)**

XXIII. ADJOURNMENT

**NEXT REGULAR CITY COUNCIL MEETING:
TUESDAY, FEBRUARY 15, 2011, AT 7:00 P.M.**

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:

Arts Commission

Community Advisory Commission

Emergency Preparedness Commission (large industry rep.)

Mobile Home Park Rental Review Board

Parks, Recreation & Cultural Resources Commission (alternate)

Telecommunications Commission (MUSD rep.)

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 Weed Abatement Public Hearing and Adopt a Resolution Directing the Abatement Program (Staff Contact: Albert Zamora, 586-3371)**

Background: At its meeting of January 4, 2011, the City Council adopted Resolution No. 8054 declaring weeds on certain described properties to be a public nuisance, and set a public hearing for February 1, 2011 to hear objections. A copy of the resolution was forwarded to the Santa Clara County Agricultural Commissioner. A Notice of Public Hearing was published and property owners mailed a notice of the proposed abatement by the County. The purpose of the public hearing is for the owners who object to the removal of the weeds to state their objections before the weeds are removed and the costs made a lien upon the property. A list of properties to be abated is included in the City Council's agenda packet along with a resolution directing the County Agricultural Commissioner to abate the weeds.

Fiscal Impact: None.

Recommendations:

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

XVI. UNFINISHED BUSINESS

2. **Reconsider Meeting Date For Review of the Citizens Budget Task Force Recommendations (Contact: Tom Williams, 586-3051)**

Background: At the Rules Subcommittee meeting on January 24, the Subcommittee members voted to cancel the February 8 Study Session on the topic of the Citizens Budget Task Force recommendations. The Subcommittee further recommended that this topic be included for discussion during a study session at which the overall budget would be discussed.

Recommendation: move to discuss the Citizens Budget Task Force recommendation at a March 15 budget work session.

3. **Receive Update on Solar Lighted Soccer Fields (Staff Contact: Diana Barnhart, 586-3059)**

Background: Staff will provide an update on lighted soccer playing fields, at the City Council meeting.

Recommendation: Receive staff update report and provide direction to staff on solar lighted soccer fields.

XVII. JOINT REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, AND CITY COUNCIL MEETING

RA4. **Approve Letters of Support for Continuance of the Milpitas Redevelopment Agency (Staff Contact: Diana Barnhart, 586-3059)**

Background: The State of California is experiencing budget shortfalls of \$28 billion compared to the \$12 million continuing shortfall that the City experiences. The Governor has proposed to eliminate or curtail substantially the redevelopment authority of local governments to bring relief to the State budget shortfall.

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

Recommendation: Approve the letters of support for Redevelopment funding to the State Legislature and the Governor.

RA5. Receive Financial Status Report for the Six Months Ended December 31, 2010 (Staff Contact: Emma Karlen, 586-3145)

Background: As of December 31, 2010, the General Fund received approximately \$19.9 million or 41% of the budgeted revenue. The percentage of revenue received to date is higher than the 37% of the revenue received last year. The reason for the increase is due to approximately \$900,000 in building permit and inspection fees received from the Fairfield Murphy Ranch development, which is considered one-time only due to the size of the project.

The results of other major General Fund revenues are mixed. Property tax revenue received for the first six months of FY 2010-11 was \$6.5 million, approximately \$784,000 less than the same period last year due to lower assessed values and pending property tax appeals that are still being resolved. Property tax revenue for the whole year has been revised to be \$491,000 below budget. Charges for services are expected to be below budget by \$386,000 primarily due to lack of large scale private developments that reimburse the services of planning and engineering.

The shortfall in property tax revenue and charges for services was offset by increase in sales tax revenue and Transient Occupancy Tax (“TOT”) revenue. Although the City will not know the full impact of the Christmas holiday sales until March 2011, due to the lag time between the vendors filing their sales tax returns and the time required for the State Board of Equalization (“SBE”) to reconcile the sales tax revenue, latest sales tax information indicated that sales tax revenue generated from the apparel stores and auto sales economic segments has improved compared to the same period one year ago. Staff revised the overall sales tax revenue projection for FY 2010-11 to be \$419,000 above budget.

TOT also showed improvement. Revenue received to date in FY 2010-11 increased by about \$200,000 or 12% compared to the same period last year. Staff revised the projection for TOT for FY 2010-11 to be \$610,000 above budget.

Departments’ expenditures continued to be below budget and were at 48% of the General Fund budget. The FY 2010-11 budget was balanced with a 7% salary reduction in exchange for furlough days saving approximately \$3.2 million, use of General Fund reserve not to exceed \$2 million and a loan repayment of \$5.4 million from the Redevelopment Agency (“RDA”). The City Council’s direction was to use the General Fund reserve as a last resort. Staff will continue to monitor General Fund revenue and expenditures to determine the extent of General Fund reserve utilization and RDA loan payment.

Fiscal Impact: None.

Recommendation: Receive financial status report for the six months ended December 31, 2010.

***RA6. Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended December 31, 2010 (Staff Contact: Emma Karlen, 586-3145)**

Background: In compliance with the State of California Government Code and the City’s Investment policy, the City of Milpitas Investment Report for the quarter ended December 31, 2010 is submitted for your review and acceptance.

The Portfolio Summary Report included in the Council’s packet provides a summary of the City’s investments by type. It lists the par value, market value, book value, percentage of portfolio, term, days to maturity and the equivalent yields for each type of investment. The

Portfolio Details Report provides the same information for each individual investment in the City's portfolio as of December 31, 2010.

As of December 31, 2010, the principal cost and market value of the City's investment portfolio was \$164,534,238 and \$166,169,343 respectively. When market interest rates increase after an investment is purchased, the market value of that investment decreases. Conversely, when market interest rates decline after an investment is purchased, the market value of that investment increases. If the investments are not sold prior to the maturity date, there is no market risk. Therefore, in accordance with the City's investment policy, all investments are held until maturity to ensure the return of all invested principal.

The City's effective rate of return for the period ended December 31, 2010 was 1.65%. The comparative benchmarks for the same period were 0.46% for LAIF (Local Agency Investment Fund) and 0.65% for the 12-month average yield of the 2 year Treasury Note. Excluding the investment of the bond proceeds, the weighted average maturity of the portfolio was 331 days.

The investment portfolio is in compliance with the City's investment policy. A combination of securities maturing, new revenues, and tax receipts will adequately cover the anticipated cash flow needs for the next six months. Cash flow requirements are continually monitored and are considered paramount in the selection of maturity dates of securities.

The market values of the securities were provided by Union Bank, the safekeeping bank of the City's securities. All the securities owned by the City are held in the trust department of the Union Bank under the terms of a custody agreement.

Three charts are included with the agenda packet that show investment by maturity levels, comparison of the City's portfolio yields to other benchmark yields as well as a trend of the type of securities in the City's portfolio, weighted average maturity and average yield.

Fiscal Impact: None.

Recommendation: Receive the City of Milpitas investment report for the quarter ended December 31, 2010.

***RA7. Approve FY2010-11 Mid-Year Budget Appropriations for Operating Budget and Capital Improvement Project Budget (Staff Contact: Emma Karlen, 586-3145)**

Background: To maintain conformity with the City's budgeting policies that any additional appropriation to a department's budget or re-appropriation of monies from one fund to another must be approved by the City Council, staff submits the budget change forms and justification memoranda from departments for review and consideration by the City Council/Redevelopment Agency. Pursuant to the budget policy, the Finance Subcommittee reviewed these budget adjustment requests on January 24 and recommended approval to the Agency/Council.

Necessary budget adjustments include the following:

- 1) Appropriate \$1,145 in the Senior Citizen Service Function of the Park and Recreation Department to serve more senior nutrition meals. Since the opening of the new Barbara Lee Senior Center in August 2010, demand for lunches by seniors has increased. The Santa Clara County Nutrition Program recognizing the need for increased meals and has committed to increasing the meals, from a daily maximum of 92 to 96 meals per day. The City's matching contribution with the County for this meal increase would be \$1,145. The proposed funding source is from the General Fund.
- 2) Add a Recreation Leader II position who will be dedicated to member services and Chinese Mandarin translation at the Senior Center. Funding will be from the Parks and

Recreation Department's operational budget by reducing part-time staff hours department wide. There is no fiscal impact for this additional position.

- 3) Increase Fire Prevention budget by \$10,000 in contractual services due to increased demand for plan review and inspection services. Fire Department has received additional revenue from developers and applicants for expedited plan reviews and inspection. The amount received as of December 31, 2010 for expedited plan reviews and inspection is \$24,453. There is no fiscal impact for this request.
- 4) Appropriate \$1,000 to the Veterans Commission's budget to allow the Commission to continue working on the work plan without disruption. The Veterans Commission is new and the actual expenses are yet to be determined. Once the Commission has drafted a work plan, the work plan budget will be brought back to the City Council for approval at a later date. The proposed funding source is from the General Fund.
- 5) Appropriate \$1,472,093 in developer fees collected to various Capital Improvement Projects. There is no fiscal impact for this request as the developer fees must be appropriated to projects to mitigate environmental impact.
- 6) Appropriate \$49,490 to increase citywide wireless services. The current system began operating in late 2008 and the high usage has exceeded its capacity. The upgrade will utilize new affordable technology and allow future expansion to serve residents and businesses. The proposed funding source is from the Redevelopment Fund.
- 7) Appropriate \$55,000 to replace citywide banners. Existing banners were installed in early 2007 and are beginning to show signs of wear. New banners would identify the City as a place of business to help encourage business development and retention. This would be consistent with the Economic Development Commission's goal of business promotion. The proposed funding source is from the Redevelopment Fund.

Fiscal Impact: Total budget adjustment is \$1,588,728. The fiscal impact is \$2,145 to the General Fund, and \$104,490 to the Redevelopment Fund. The rest of the funding will be \$1,472,093 from developer fees and \$10,000 from fire plan review and inspection fees. There are sufficient balances in above funds to cover the additional appropriations.

Recommendation: Approve Fiscal Year 2010-11 mid-year budget appropriations, as itemized on the budget change forms.

***RA8. Adopt Three Resolutions of the Milpitas Redevelopment Agency, Milpitas City Council, and Milpitas Public Financing Authority Authorizing Investment of Monies in the Local Agency Investment Fund (Staff Contact: Emma Karlen, 586-3145)**

Background: The Milpitas Redevelopment Agency, the City of Milpitas, and the Milpitas Public Financing Authority have been participating in the State's Local Agency Investment Fund (LAIF) since 1977. LAIF periodically requests participants to update their investment resolutions. Staff reviewed the existing resolutions of the three entities and determined that these resolutions need to be updated due to administration and personnel changes.

Fiscal Impact: None.

Recommendation: Adopt three Resolutions of the Redevelopment Agency, City Council, and Public Financing Authority authorizing investment of monies in the Local Agency Investment Fund.

***RA9. Set Public Hearing Date for Consideration of the Proposed 2011–2015 Redevelopment Implementation Plan (Staff Contact: Diana Barnhart, 586-3059)**

Background: California Community Redevelopment Law (CRL) requires redevelopment agencies to adopt an Implementation Plan every five years. The purpose of the Implementation Plan is to set goals and objectives that will guide efforts to eliminate blight and estimate the revenues and expenditures anticipated by the Agency over the next five years. The Plan contains an affordable housing section to help the Redevelopment Agency monitor progress in meeting the community's affordable housing needs and provides an overview of accomplishments of the previous five year period.

A public hearing is required for Agency consideration of the proposed Five Year Implementation Plan. The public hearing notices will be mailed to all persons and agencies who express interest in receiving it and for three consecutive weeks in the local paper and notices will be posted at the Great Mall, Barbara Lee Senior Center, Community Center and the Milpitas Police Station. As of the writing of this report, no person or agency has requested a mailed public hearing notice.

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

Recommendation: that Agency set the public hearing date for the proposed 2011-2105 redevelopment implementation plan for March 15, 2011.

***RA10. Adopt a Resolution Granting Initial Acceptance of and Reducing Performance Bond for South Main Street Streetscape, Phase 1, Federal Aid Project No. CML-5314 (006), Project No. 4243 (Staff Contact: Steve Erickson, 586-3301)**

Background: The Redevelopment Agency/City and the Council awarded the South Main Street Project, Phase 1 to Jos. J. Albanese, Inc. on September 15, 2009. The project provided streetscape improvements along South Abel Street from Great Mall Parkway to South Main Street, and South Main Street from South Abel Street to Cedar Way. Improvements included 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 on South Abel Street. The project was funded through a Caltrans Federal Aide Grant, and the project was successfully completed on time and on budget. Staff recommends the Agency/Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor's faithful performance bond to \$95,944, which is 10% of the final contract value.

Fiscal Impact: None.

Recommendation: Adopt a resolution of the Redevelopment Agency and the City Council granting initial acceptance of the South Main Street Streetscape, Phase 1, Federal Aid Project No. CML-5314 (006), Project No. 4243; subject to a one year warranty period and reduction of the faithful performance bond to \$95,944.

***RA11. Adopt a Resolution Granting Final Acceptance of the Sidewalk Widening at Calaveras Boulevard Bridges, Project No. 4202 (Staff Contact: Steve Erickson, 586- 3301)**

Background: This project was initially accepted on February 2, 2010 and passed the one-year warranty period. A final inspection of the installed public improvements has been made, and they were found to be satisfactory. This project provided for interim widening of the existing sidewalks along the Highway 237 overpass bridges between Abel Street and Milpitas Boulevard. Staff recommends the Redevelopment Agency and the City Council grant final project acceptance of the Sidewalk Widening at Calaveras Boulevard Bridges, Project No. 4202, and release of the contractor's bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution of the Redevelopment Agency and City Council granting final acceptance of the Sidewalk Widening at Calaveras Boulevard Bridges, Project No. 4202, and release of the contractor's bond.

***RA12. Award Construction Contract to Green Earth Engineering & Construction, Inc. for Midtown East Parking Garage Screens, and Authorize Staff to Execute Contract Change Orders, Project No. 8161 (Staff Contact: Steve Erickson, 586-3301)**

Background: On August 3, 2010, the Redevelopment Agency and the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for the Midtown East Parking Garage Screens, Project. The project provides for the installation of architectural metal screenings along the east face of the 2nd, 3rd, and 4th floors of the garage to help protect vehicles from thrown rocks and debris from the rail road right of way. The screenings will match what was installed along the ground floor of the garage. The Engineer's Estimate for the base bid project work was \$275,000.

The project was advertised and ten sealed bid proposals were received on January 5, 2011. Bid proposals ranged from \$220,000 to \$344,400, and the lowest responsible base bid was submitted by Green Earth Engineering & Construction, Inc. in the amount of \$220,000.

Staff is requesting the use of the same change order policy that was approved for the successful completion of the senior center, library, parking garage, and other recently completed projects with tight budgets and completion schedules. This policy allows for the timely completion of the project, while addressing the need to respond swiftly to construction conditions in order to limit potential claims, delays, or risk to the City. The construction contingency for change orders established for this project is \$50,000, and the requested staff change order authority would not exceed this amount, and would not require additional appropriation.

Fiscal Impact: None. Sufficient funds are available in the project budgets.

Recommendations:

1. Award a construction contract to Green Earth Engineering & Construction, Inc. for Midtown East Parking Garage Screens, Project No. 8161, in the amount of \$220,000.
2. Authorize staff to execute change orders for the Midtown East Parking Garage Screens, provided that the change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

RA13. Agency Adjournment

XVIII. REPORTS OF MAYOR and COMMISSION

4. Receive Mayor's Recommendations and Vote to Approve Appointments to Outside Agencies (Staff Contact: Mayor Esteves, 586-3029)

Background: Councilmembers sit on various Boards and Committees for outside agencies. The Mayor makes these appointments from his fellow Councilmembers, and the City Council votes on confirmation. A list of these outside agencies and their meeting schedules is included in the agenda packet.

Fiscal Impact: Minimal.

Recommendation: To consider and vote on the Mayor's recommendations for outside agency appointments.

- * 5. Consider Mayor's Recommendation for Appointments/Re-Appointments to Four Milpitas Commissions (Contact: Mayor Esteves, 586-3029)**

Background: Mayor Esteves recommends the following citizens be appointed/re-appointed to four Milpitas Commissions.

Arts Commission/Public Art Committee

Appoint Marcella Anthony (current Alternate No. 1) as a regular member to a term that expires in October 2012.

Appoint Manjula Gupta as Alternate No. 1 to a term that expires in October 2012.

Community Advisory Commission

Re-appoint Michael Queenan to a term that expires in January 2015.

Appoint Samantha Beard as a regular member to a term that expires in January 2012.

Appoint Michelle Manassau as Alternate No. 1 to a term that expires in January 2013.

Newly appoint Edna Ramos Andres as Alternate No. 2 to a term that expires in January 2013.

Newly appoint Debra Lax as Alternate No. 3 to a term that expires in January 2012.

Economic Development Commission

Newly appoint Warren Wettenstein as the Chamber of Commerce representative to a term that expires in April 2012.

Telecommunications Commission:

Re-appoint William Lam to a term that expires in January 2013.

Re-appoint Satish Kumar Bansal to a term that expires in January 2013.

Recommendation: Consider the recommendations from Mayor Esteves and move to approve his recommended new appointments and re-appointments to four Milpitas Commissions.

* 6. **Approve the 2011 Community Advisory Commission Work Plan (Staff Contact: Felix Reliford, 586-3071)**

Background: The Community Advisory Commission (CAC) is advisory to the City Council on matters affecting residents that are related to community improvements. The CAC reviewed the proposed work plan during its meeting on January 5, 2011 and recommended approval to the City Council of the following:

Annual Tasks

1. Heritage tree nominations
2. Community Development Block Grant
3. Arbor Day (March 12)
4. National Night Out
5. Neighborhood Beautification Awards

Short-Term Projects

1. Tree Planting-Promote tree planting through outreach and tree protection awareness
2. Outreach Program- Conduct an outreach program to the citizens of Milpitas to obtain feedback on community issues
3. Volunteerism Program-Conduct a program to encourage Milpitas citizens to volunteer
4. Cleanup Blight Areas-Determine blighted areas in Milpitas and encourage their redevelopment or conduct a program similar to the Adopt-a-Highway program
5. Expand the Neighborhood Watch Program-work with City staff to expand the Neighborhood Watch Program
6. Milpitas Community Television (MCTV) magazine – Community Outreach

Fiscal Impact: None.

Recommendation: Approve the 2011 Community Advisory Commission Work Plan.

XIX. NEW BUSINESS

7. Receive Report on City's Aging Infrastructure (Staff Contact: Greg Armendariz, 586-3317)

Background: The City of Milpitas is a full service city providing the community with water, storm, and sewer utility services. The city is responsible for contracting and providing oversight of the solid waste services for the community. In addition, the City is also responsible for the over one hundred and thirty miles of streets, and all street appurtenances, such as street lights, fire hydrants, etc., as well as the twenty-eight city parks and various public trails. Lastly, the City also has responsibility for all the public buildings which provide various services to the community ranging from Senior Center, Sports Center, City Hall, Police/Public Works, Library/Garage, various historic buildings and four Fire Stations.

Since the "dot-com" bust over ten years ago, the City has seen declining revenues, which have negatively impacted the repairs, renovation and replacement of aging infrastructure. A staff report will be provided at the Council meeting, which will provide a current status of the City's aging infrastructure as well as available funding sources, and overall strategies for optimum maintenance and operations of the infrastructure given the continuing financial challenges in the next few years.

Fiscal Impact: None.

Recommendation: Receive the report on City's aging infrastructure and provide staff with comments.

XX. RESOLUTION

*** 8. Adopt a Resolution Authorizing the City Manager to Execute the Extension of the Piggyback Agreement with Ricoh Americas Corporation Through the City of San Jose Contract for Printers and Copiers (Staff Contact: Chris Schroeder, 586-3161)**

Background: On October 22, 2007, the City entered into a piggyback agreement with Ricoh Americas Corporation by piggybacking on the contract with the City of San Jose for copiers/multi-function devices, which was competitively bid in June of that year. Piggybacking is authorized pursuant to the Municipal Code Section I-2-3.07 "Piggyback Procurement."

During the first three years of the contract, the volume of individual machines has increased from the initial three copiers to fourteen copiers and one printer. The cost of the equipment is paid for by the individual departments. The average annual cost of the program including machine rental and maintenance is approximately \$36,000 per year depending on the number of copies made. The City of San Jose has extended the base term of the contract from October 16, 2007 to June 30, 2011 with an option for three more years. This is an excellent opportunity for the City of Milpitas as it effectively locks in the pricing, well below current market rates, for an additional three and a half years.

Fiscal Impact: None. This is a programmed cost in the individual budget of each department.

Recommendation: Adopt a resolution authorizing the City Manager to execute the extension of the piggyback agreement with Ricoh Americas Corporation through the City of San Jose contract for printers and copiers.

XXI. BID AND CONTRACT

*** 9. Approve Amendment No. 3 to the Agreement with Bellinger, Foster, Steinmetz Landscape Architecture for the Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Steve Erickson, 586-3301)**

Background: On December 1, 2009, the City entered into a consultant agreement with Bellinger, Foster, Steinmetz Landscape Architecture in the amount of \$354,000 to provide a design to improve the Alviso Adobe grounds to create a public park with historic elements.

Staff recommends that Bellinger, Foster, Steinmetz Landscape Architecture perform additional design services for the reconstruction of the three outbuildings located within the grounds of the park. The water tower, garage, and the drying shed buildings have significant dry rot and decay, are structurally unstable, contain hazardous materials requiring abatement, and are missing much of the original architectural fabric. Therefore, it is recommended the buildings be reconstructed rather than preserved and repaired. The buildings would be reconstructed in kind, and would be replicas of the originals that date to the 1920s. Replacement in kind with modern materials is expected to be less costly and should require less maintenance than if the original buildings were repaired and preserved.

Amendment No. 3 to the agreement with Bellinger, Foster, Steinmetz Landscape Architecture is proposed for these additional services. Staff has negotiated a fee for these services not to exceed \$53,500, which is considered reasonable for the work. Approval of this amendment brings the total agreement amount to \$447,000.

Fiscal Impact: None. There are sufficient funds in the project budget for these consultant services.

Recommendation: Approve amendment No. 3 to the agreement with Bellinger, Foster, Steinmetz Landscape Architecture, in the amount of \$53,500, Project No. 5055 subject to approval as to form by the City Attorney.

XXII. DEMAND

- * 10. **Approve Payment Request to County of Santa Clara for 2010 Municipal Election Costs (Staff Contact: Mary Lavelle, 586-3001)**

Background: In accordance with the Milpitas Municipal Code on purchasing, the City Clerk has submitted one invoice for payment in an amount greater than \$20,000 for approval. The County of Santa Clara invoiced the City of Milpitas in the amount of \$63,156 for the November 2, 2010 municipal election costs. Candidates for election who chose to include a Candidate's Statement in the sample ballot pamphlets did in fact pay the City in advance for the printing costs.

Fiscal Impact: None. It is a programmed expense in the City Clerk's FY 2010-11 operating budget.

Recommendation: Approve the payment request of \$63,156 to the County of Santa Clara for the 2010 municipal election costs held on November 2, 2010.

XXIII. ADJOURNMENT

**NEXT REGULAR CITY COUNCIL MEETING:
TUESDAY, FEBRUARY 15, 2011, AT 7:00 P.M.**