



**MILPITAS CITY COUNCIL AGENDA
TUESDAY, APRIL 16, 2013**

**455 EAST CALAVERAS BLVD, MILPITAS, CA
6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)**

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
 - 1. CONFERENCE WITH LEGAL COUNSEL**

Pursuant to Govt. Code Section 54956.9
Existing Litigation: Sacramento County Superior Court, case no. 34-2013-80001436,
County of Santa Clara, Vinod K. Sharma, et al., vs. Milpitas Economic Development Corporation,
City of Milpitas, et al.
 - 2. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**

Pursuant to California Government Code §54957.6, City Negotiator: Carmen Valdez
Employee Groups: Milpitas Employees Association (MEA), Milpitas Police Officers Association
(MPOA), International Association of Fire Fighters (IAFF), and Milpitas Association of Battalion
Chiefs. Under Negotiation: Wages, Hours, Benefits, and Working Conditions
- III. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session, if required, pursuant
to Government Code Section 54957.1, including the vote or abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Councilmember Montano)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – April 2, 2013**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS – April and May 2013**
- VIII. PRESENTATIONS**
 - Proclaim *National Crime Victims' Rights Week* for April 21 - 27, 2013
 - Proclaim *Building and Safety Month* – May 2013
- IX. 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.

- X. ANNOUNCEMENTS**
- XI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- XII. APPROVAL OF AGENDA**
- XIII. CONSENT CALENDAR (Items with asterisks*)**

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.

XIV. PUBLIC HEARINGS

- 1. Hold a Public Hearing and Adopt a Resolution to Dispose of Public Park Land and Accept Santa Clara Valley Transportation Authority Proposal for Curtis Park Mitigation and Acquisition by Authorizing Amendment No. 5 to the City's Master Agreement with VTA for Project GT1063 (Staff Contact: Kathleen Phalen, 408-586-3345)**
- 2. Hold a Public Hearing to Approve the Community Development Block Grant Funding Allocations for FY 2013-14 and to Adopt the One-Year Action Plan (Staff Contacts: Felix Reliford, 408-586-3071, and Gloria Anaya, 408-586-3075)**

XV. UNFINISHED BUSINESS

- 3. Approve Public Art Installation of "Minute Man" Sculpture at City Hall and the Budget for Art Work (Staff Contact: Renee Lorentzen, 408-586-3409)**

XVI. REPORTS OF OFFICERS AND COMMISSIONS

- * 4. Consider Mayor's Recommendations for Appointments and Re-Appointments to Two Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**
- 5. Consider a City of Milpitas 60th Anniversary Celebration (Contact: Vice Mayor Polanski, 408-586-3024)**
- * 6. Approve the Arts Commission Work Plan for 2013-14 (Staff Contact: Renee Lorentzen, 408-586-3409)**
- * 7. Approve the Veterans Commission Work Plan for 2013-14 (Staff Contact: Carmen Valdez, 408-586-3086)**

XVII. NEW BUSINESS

- 8. Receive Overview of Strategic Planning Process from City Manager (Staff Contact: Tom Williams, 408-586-3050)**
- 9. Review the Draft 2013-2018 Capital Improvement Program (CIP) and Provide Staff with Direction and Comments (Staff Contact: Kathleen Phalen, 408-586-3345)**
- * 10. Approve the Milpitas Police Department's Application to Enter the California Public Safety Procurement Program (CPSPP) 1033 Excess Property Program (Staff Contact: Charlotte Pang, 408-586-2432)**
- * 11. Approve the Final Tract Map for the Harmony Residential Development, Project No. 2709 (Staff Contact: Keyvan Irannejad, 408-586-3244)**
- * 12. Authorize a Letter from the Mayor, as a Member City of the Association of Bay Area Governments, to the California Public Utilities Commission Requesting the Commission Rescind Regulations that Require Core Transportation Agents to Take and Pay for PG&E's Excess Pipeline Capacity (Staff Contact: Emma Karlen, 408-586-3145)**

XVIII. ORDINANCE

- * 13. **Waive the Second Reading and Adopt Ordinance No. 38.807 for Approval of the Development Agreement with Milpitas Sign Company LLC (Staff Contact: Michael Ogaz, 408-586-3040)**

XIX. RESOLUTIONS

- * 14. **Adopt a Resolution Approving a New City Council Donation and Fee Waiver/Reduction Policy (Staff Contact: Emma Karlen, 408-586-3145)**
- * 15. **Adopt a Resolution Authorizing the City Manager to Execute the Agreement with the California Highway Patrol for Joint Use of the Weapons Firing Range (Staff Contact: Charlotte Pang, 408-586-2432)**
- * 16. **Adopt a Resolution Confirming Current Fire Department Budget Status (Staff Contact: Michael Ogaz, 408-586-3040)**

XX. CONTRACTS

- * 17. **Authorize the Chief of Police to Execute the Agreement with the County of Santa Clara for the 2013 “Avoid the 13” Grant Program (Staff Contact: Charlotte Pang, 408-586-2432)**
- * 18. **Authorize the City Manager to Execute Amendment No. 2 to the Agreement with CSG Systems, Inc. to Extend Printing, Mailing, E-Bill Presentment and E-Bill Payment of City Utility Bills for One Additional Year in the Annual Not-To-Exceed Amount of \$81,000 (Staff Contact: Chris Schroeder, 408-586-3161)**
- * 19. **Authorize the City Manager to Execute Amendment No. 5 to the Contract with Universal Building Services for Additional Janitorial Services for City Buildings in the Not-To-Exceed Amount of \$73,461 (Staff Contact: Chris Schroeder, 408-586-3161)**
- * 20. **Authorize the City Manager to Execute Amendment No. 5 to the Agreement with East Bay Construction for City Street Landscape Maintenance Services (Staff Contacts: Chris Schroeder, 408-586-3161 and Steve Erickson, 408-586-3301)**

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MAY 7, 2013 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, 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 after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist on the:

*Public Art Committee (Alliance for the Arts member)
Community Advisory Commission (alternate)
Parks, Recreation, and Cultural Resources Commission*

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office (408-586-3003) 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 (408) 586-3001 or send an e-mail 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.

AGENDA REPORTS

XIV. PUBLIC HEARINGS

- 1. Hold a Public Hearing and Adopt a Resolution to Dispose of Public Park Land and Accept Santa Clara Valley Transportation Authority Proposal for Curtis Park Mitigation and Acquisition by Authorizing Amendment No. 5 to the City's Master Agreement with VTA for Project GT1063 (Staff Contact: Kathleen Phalen, 408-586-3345)**

Background: The Santa Clara Valley Transportation Authority's (VTA) Bay Area Rapid Transit (BART) Extension, known as the Silicon Valley Berryessa Extension (SVBX) project, will need to take a small portion of City land along the easterly edge of Curtis Park adjacent to the existing Union Pacific Railroad (UPRR) alignment to relocate the UPRR tracks to make way for BART. VTA submitted a proposal (in agenda packet) in order to satisfy its federal environmental requirements to mitigate impacts to park lands by exchanging services of equivalent value.

The services that VTA proposes to provide the City are: preparation of a 2013 grant application to One Bay Area Governments (OBAG) for design of a pedestrian bridge crossing over Montague Expressway from the planned parking garage for BART to the northeast corner of the intersection at Piper Drive, and, preparation of a 2017 grant application to OBAG for construction of this bridge. VTA will complete a preliminary design of the bridge for submission in the 2013 grant application and will complete a construction schedule and cost estimate for the 2017 grant application.

Staff reviewed VTA's proposal and determined that it is a fair and reasonable exchange, which will benefit the City. The Transit Area Specific Plan calls for this pedestrian overcrossing to connect the BART Station to the Piper/Montague area and the Great Mall. City staff seeks Council's acceptance of VTA's proposal by authorizing Amendment No. 5 to the City's Master Agreement with VTA for the SVBX project.

Fiscal Impact: None. All BART project related expenses, including City staff resources, will be reimbursed by VTA. Additionally, the loss of parkland is being fully mitigated by VTA providing "in-kind" grant application services totaling at least the amount of "in-lieu" park fees that would be required.

Attachments:

1. Resolution
2. Proposal from VTA for Curtis Park Mitigation and Acquisition and Amendment No. 5 to Master Agreement between VTA and City of Milpitas

Recommendations:

1. Open the public hearing, and following any comments, move to close the public hearing.
 2. Adopt a resolution to dispose of public park land and accept VTA's proposal for Curtis Park mitigation and acquisition by authorizing the City Manager to execute Amendment No. 5 to the Master Agreement between VTA and the City of Milpitas.
- 2. Hold a Public Hearing to Approve the Community Development Block Grant Funding Allocations for FY 2013-14 and to Adopt the One-Year Action Plan (Staff Contacts: Felix Reliford, 408-586-3071, and Gloria Anaya, 408-586-3075)**

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, a suitable living environment, and expand economic opportunities for low to moderate-income persons. The purpose of this public hearing

is to set funding allocations for the CDBG funds provided to the City for FY 2013-14 and to adopt the One-Year Action Plan.

During the month of January 2013, the City advertised during the 30-day time period by which to submit CDBG funding applications and sent out notices to past service providers. The Milpitas Community Advisory Commission (CAC) held a public hearing on March 6, 2013 to review the 14 applications received and provide funding recommendations to the City Council. CAC funding recommendations are based on an unconfirmed allocation of \$390,716. CAC recommendations follow the City Council's adopted priorities for funding allocations for the categories as follows:

Public Services

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

25% of total Public Service allocation to be reserved for City of Milpitas Programs (Milpitas RAP and Milpitas Family Literacy Programs fall under this policy)

Non-Public Services (improvements)

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

A minimum funding level of \$5,000 shall be allocated for public and non-public services; and \$10,000 from CDBG Program Administration for Fair Housing services.

Public Services	\$58,607	15%
Non-Public Services	\$253,966	65%
Program Administration	\$78,143	20%

Included in the Council's agenda packets are March 6, 2013 CAC meeting minutes including the Commission's funding recommendations.

One-Year Action Plan

The Action Plan describes anticipated CDBG activities and expenditures to be undertaken for fiscal year 2013-14 and how these activities relate to meeting objectives noted in the Five-Year Consolidated Plan. Staff recommends that the Council consolidate prior years' Housing Rehabilitation Loan Program funds into one project.

The draft Action Plan was advertised for public review and comments for 30 days (from March 15 through April 15, 2013) 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, 2013. HUD reviews and approves the Action Plan prior to releasing CDBG funds.

Fiscal Impact: None.

Attachments:

1. Community Advisory Commission Meeting Minutes of March 6, 2013, which includes the Commission's funding recommendations.
2. Draft Action Plan

Recommendations:

1. Open the Public Hearing for public comments.
2. Move to close the Public Hearing, following testimony.
3. Approve Community Development Block Grant funding levels for FY 2013-14. If funding reduction occurs, reductions will be taken from the Housing Rehabilitation Loan Program for the Non-Public Services and City of Milpitas Recreation Assistance Program; and the Food Pantry for the Public Services category.
4. Approve the One-Year Action Plan, which includes consolidating prior years' Housing Rehabilitation Loan program funds into one project.

XV. UNFINISHED BUSINESS

3. Approve Public Art Installation of “Minute Man” Sculpture at City Hall and the Budget for Art Work (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: At the March 19, 2013 City Council meeting, Council requested staff to return to the Council for discussion of the City Hall Public Art Installation piece. At the March 25, 2013 Public Art Committee meeting, Committee members voted to recommend for City Council approval City Hall Art project finalist “The Minute Man” sculpture by David Alan Clark.

The total budget for the Minute Man installation is \$175,000. The typical installation timeline for a project of this size is approximately one year.

Fiscal Impact: None. Sufficient funding is available in the Public Art Fund. If the Council approves this art project, the budget will be appropriated to non-departmental contract services.

Recommendation:

1. Approve a budget appropriation of \$175,000 to Public Art Fund, Non-Departmental contract services.
2. Authorize the City Manager to execute a contract with artist David Alan Clark for the Minute Man sculpture, in the amount of \$175,000.

XVI. REPORTS OF OFFICERS AND COMMISSIONS

*** 4. Consider Mayor’s Recommendations for Appointments and Re-Appointments to Two Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following appointments:

Economic Development Commission

Re-appoint Cat-Tuong Nguyen as resident representative to a term that will expire in April 2016.
Re-appoint Marsha Grilli as MUSD School Board representative to a term that will expire in April 2016.

Senior Advisory Commission

Move Deborah Langley from Alternate No. 1 to a regular voting member to a term that will expire in December 2014.

Move Moo Jin Choi from Alternate No. 2 to Alternate No. 1 to a term that will expire in December 2013.

Recommendation: Approve Mayor’s recommendations to two Milpitas Commissions.

5. Consider a City of Milpitas 60th Anniversary Celebration (Contact: Vice Mayor Polanski, 408-586-3024)

Background: The City of Milpitas will arrive upon its 60th anniversary of incorporation on January 26, 2014. Upon that significant anniversary, possibilities exist for celebration with the community, and staff seeks input from the Mayor and City Council for an anniversary event. Staff suggests celebrating the 60th Anniversary on that date which is a Sunday, and/or events may also be scheduled over the weekend, January 24 – 26, 2014.

A documentary of the 60 year of history is one possibility to combine with other activities. Also, the unveiling of a new sculpture in front of City Hall may be planned over that weekend, on either Saturday or Sunday. No budget is yet established for a 60th anniversary, so Council is requested to provide direction to staff on funding for any events planned.

Fiscal Impact: to be determined.

Recommendation: Provide City staff with direction and a budget in order to plan for the City's 60th anniversary of incorporation.

- * 6. **Approve the Arts Commission Work Plan for 2013-14 (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: Pursuant to the Arts Commission Bylaws, the Commission serves as an advisory body to the City Council on matters pertaining to the arts. The Commission's Mission Statement is: the Milpitas Arts Commission, in order to enhance the quality of life in its community, shall promote, provide and encourage the arts in the City of Milpitas, encompasses the Commission's vision, values, mission statement and goals in its proposed work plan for 2013-14. At the January 28, 2013 Arts Commission meeting, Commissioners reviewed and approved a draft 2013-14 work plan including goals for ongoing programs, events and long term goals to accomplish.

Fiscal Impact: None.

Recommendation: Approve the Arts Commission Work Plan for 2013-14.

- * 7. **Approve the Veterans Commission Work Plan for 2013-14 (Staff Contact: Carmen Valdez, 408-586-3086)**

Background: The Veterans Commission is advisory to the City Council on matters pertaining to Veterans in Milpitas. The Commission reviewed the proposed work plan during its meeting of April 3, 2013 and recommended approval to the City Council. Included in the agenda packet is a copy of the proposed work plan for Council review and approval.

Fiscal Impact: None

Recommendation: Approve the Veterans Commission Work Plan for 2013-14.

XVII. NEW BUSINESS

- 8. **Receive Overview of Strategic Planning Process from City Manager (Staff Contact: Tom Williams, 408-586-3050)**

Background: The Milpitas City Manager will provide a briefing for the Mayor and City Council on the upcoming process to initiate a new strategic plan for the City. He will provide the scope of the plan, and efforts toward strategic planning and actions taken to date.

Recommendation: Hear report of City Manager on the strategic planning process for the City, and provide comments.

9. Review the Draft 2013-2018 Capital Improvement Program (CIP) and Provide Staff with Direction and Comments (Staff Contact: Kathleen Phalen, 408-586-3345)

Background: The Draft 2013-2018 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. The value of Capital projects proposed to be budgeted in fiscal year 2013-14 is \$18,894,950.

The Parks, Recreation and Cultural Resources Commission reviewed the Parks projects on April 1, 2013 and recommend them for approval by Council. On April 10, 2013, the Planning Commission reviewed the Draft 2013-2018 CIP document and found it in conformance with the General Plan.

A staff presentation of the draft CIP highlights will be provided at the Council meeting. Based upon Council direction, the Draft CIP will be revised and prepared as the Preliminary CIP document. The preliminary CIP will then be presented to Council at the May 14, 2013, budget hearing for approval.

Fiscal Impact: None.

Recommendation: Review the Draft 2013-2018 Capital Improvement Program (CIP) and provide staff with direction and comments.

*** 10. Approve the Milpitas Police Department's Application to Enter the California Public Safety Procurement Program (CPSPP) 1033 Excess Property Program (Staff Contact: Charlotte Pang, 408-586-2432)**

Background: The Secretary of Defense is authorized to transfer to federal and state agencies personal property that is excess to the needs of the Department of Defense, if it suitable for use by law enforcement agencies. The Governor of California designated the California Emergency Management's Agency's Secretary as the State Coordinator to implement this program statewide.

This application will enable the Milpitas Police Department to join the program and review excess property which may be available for procurement and acquisition. There is no cost for the property.

Fiscal Impact: None.

Recommendation: Approve the Police Department's request for certification into the CPSPP 1033 Excess Property Program.

*** 11. Approve the Final Tract Map for the Harmony Residential Development, Project No. 2709 (Staff Contact: Keyvan Irannejad, 408-586-3244)**

Background: On November 15, 2011, the City Council approved the Tentative Map, Use Permit and Site Development Permit for the Harmony Project, 276 townhomes and condominiums located on 12 acres off 1700 block of McCandless Drive. On October 16, 2012, the City Council approved the subdivision improvement agreement, other agreements, community facilities annexation, improvement plans, and phase one final map.

The developer submitted the second phase (also last) final map. Staff reviewed and found it satisfies the City's requirements for this project. The title sheet of the final map is included in the Council packet and the complete final map is available at the Office of the City Engineer.

Fiscal Impact: None.

Recommendation: Approve the final map (Tract 10137) for Harmony residential development project and authorize the signing of the map by designated City staff.

- * 12. **Authorize a Letter from the Mayor, as a Member City of the Association of Bay Area Governments, to the California Public Utilities Commission Requesting the Commission Rescind Regulations that Require Core Transportation Agents to Take and Pay for PG&E's Excess Pipeline Capacity (Staff Contact: Emma Karlen, 408-586-3145)**

Background: The City has been meeting its natural gas needs through ABAG POWER (Association of Bay Area Government's Publicly Owned Energy Resources), a joint powers agency. ABAG POWER comprised of thirty-eight cities, pooled purchasing and billing strategy to strive for low cost and stable pricing that differentiates it from PG&E's more short term, market-rate approach. This allows the City to predictably budget costs for core city operations and is particularly important when the City funds its expenditures on a fixed schedule.

The ABAG POWER program is now threatened by a series of proceedings scheduled to come before the California Public Utilities Commission (CPUC). PG&E (which supplies natural gas to customers not in a pooling arrangement like ABAG POWER) engages in a purchasing strategy that includes contracting for the right to use designated segments of pipes ('pipeline capacity') to move natural gas from a producer into the region's natural gas distribution system. Under the current system, PG&E determines the location and the amount of pipeline capacity acquired under these contracts, subject to CPUC oversight.

Beginning early last year, CPUC regulations were put into place that require ABAG POWER to take and pay for a portion of PG&E's pipeline capacity. This is a significant burden on the ABAG POWER program and the City for the following reasons:

- ABAG POWER's purchasing strategy does not generally include the tactic of contracting for pipeline capacity separate from the purchase of natural gas.
- Even if ABAG POWER changed its gas purchasing strategy purchase natural gas and pipeline capacity separately, absent the recent regulations, it would not necessarily match the locations and the amounts that it will be required to take from PG&E.
- ABAG POWER as a joint power agency cannot recover its costs by reselling this pipeline capacity.

The cities are concerned that the cost of taking PG&E's pipeline capacity may render the ABAG POWER program economically unviable in the near future.

PG&E claims that this pipeline capacity serves as a hedge against possible future shortages that would prevent it from moving natural gas into the region. There is absolutely no evidence of a shortage of pipeline capacity: in fact, there is significant excess capacity. More importantly, if there were signs of a possible future shortage, ABAG POWER would seek to acquire pipeline capacity that matches its natural gas purchasing strategy – not PG&E's.

The CPUC will consider this issue in June 2013. Staff requests that the Council authorize the Mayor to sign and send the attached letter to the CPUC stating the City's objections to forcing ABAG POWER to take and pay for pipeline capacity acquired by PG&E. For a detailed discussion of the issue, please see attached ABAG Memo on PG&E Natural Gas Pipeline Capacity Costs.

Fiscal Impact: None.

Recommendation: Authorize the Mayor to sign a letter as a member of the Association of Bay Area Governments to the California Public Utilities Commission requesting the Commission

rescind the regulations that require core transportation agents - such as ABAG POWER - to take and pay for PG&E's excess pipeline capacity.

XVIII. ORDINANCE

- * 13. **Waive the Second Reading and Adopt Ordinance No. 38.807 for Approval of the Development Agreement with Milpitas Sign Company (Staff Contact: Michael Ogaz, 408-586-3040)**

Background: On April 2, 2013, City Council approved a project for the construction of two digital freeway signs proposed by Milpitas Sign Company and introduced Ordinance No. 38.807 approving a Development Agreement with that Company providing for public benefit and long term operations of up to three digital signs. At Council direction, provisions were added to the agreement which assure additional operational requirements. In addition, the changes provide for a unique Milpitas gateway identification and space preference to Milpitas businesses; prohibit obscene or adult oriented business advertisements and provide for adequate maintenance during the term of the sign's existence. Such provisions are now included in the agreement and have been approved by Milpitas Sign Company.

Fiscal Impact: The Development Agreement will provide for significant additional revenues to the City according to its terms over the life of the freeway signs.

Recommendations:

1. Move to waive the second reading of Ordinance No. 38.807.
2. Adopt Ordinance No. 38.807, approving the development agreement with Milpitas Sign Company LLC.

XIX. RESOLUTIONS

- * 14. **Adopt a Resolution Approving a New City Council Donation and Fee Waiver/Reduction Policy (Staff Contact: Emma Karlen, 408-586-3145)**

Background: On March 5, 2013, staff presented the criteria for establishing a City Council donation and fee waiver/reduction policy and received direction from the City Council. The final policy is ready for the Council's review and approval. Upon approval by the City Council, this policy will also be incorporated in the appropriate section of the City Council Handbook.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving the new City Council donation and fee waiver/reduction policy.

- * 15. **Adopt a Resolution Authorizing the City Manager to Execute the Agreement with the California Highway Patrol for Joint Use of the Weapons Firing Range (Staff Contact: Charlotte Pang, 408-586-2432)**

Background: The Milpitas Police Department (MPD) and the California Highway Patrol (CHP) have jointly used a weapons firing range for numerous years. The owner of the property has been charging the MPD an annual rental fee for use of the property. MPD has been entering an agreement with the CHP and charging the CHP for use of the range to offset the cost of rent and maintenance fees. The most recent contract expired in December 2012 and now, CHP is willing to enter into another 3-year agreement under the same agreement and use terms. CHP agrees to pay an annual total of \$12,000, which amounts to \$36,000 over the term of this agreement, which be in effect from April 1, 2013 through March 31, 2016.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving and authorizing the City Manager to execute the agreement with the California Highway Patrol for joint use of the Weapons Firing Range.

- * 16. **Adopt a Resolution Confirming Current Fire Department Budget Status (Staff Contact: Michael Ogaz, 408-586-3040)**

Background: At the meeting of March 19, 2013, the Council approved layoffs of fire personnel in order to bring the Fire Department overtime expenditures in line with its budget. This resolution makes findings determining that all other alternatives have been considered and that there is no other alternative that resolves the Fire Department overtime problem.

Fiscal Impact: Reduces personnel costs.

Recommendation: Adopt a resolution regarding Fire Department budget status.

XX. CONTRACTS

- * 17. **Authorize the Chief of Police to Execute the Agreement with the County of Santa Clara for the 2013 “Avoid the 13” Grant Program (Staff Contact: Charlotte Pang, 408-586-2432)**

Background: The County of Santa Clara is administering the 2013 “Avoid the 13” grant program that offers grant funds from the California Office of Traffic Safety to reimburse law enforcement agencies for overtime expenditures specifically directed towards Driving Under the Influence (DUI) enforcement. The goals of the program are to apprehend drunk drivers and to reduce the number of people killed or injured in alcohol-related collisions. The City of Milpitas has been approved for a grant of \$8,000.00 to conduct a sobriety checkpoint on an overtime basis in conjunction with the countywide Avoid the 13 program between October 1, 2012 and September 30, 2013.

Fiscal Impact: None – The overtime expenditures will be reimbursed by the grant.

Recommendations:

1. Authorize the Chief of Police to execute the agreement with the County of Santa Clara for the 2013 “Avoid the 13” grant program.
 2. Approve a budget appropriation in the amount of \$8,000.00 to the Police Department overtime budget as a result of the 2013 “Avoid the 13” grant program.
- * 18. **Authorize the City Manager to Execute Amendment No. 2 to the Agreement with CSG Systems, Inc. to Extend Printing, Mailing, E-Bill Presentment and E-Bill Payment of City Utility Bills for One Additional Year in the Annual Not-To-Exceed Amount of \$81,000 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: On March 12, 2007 a Request for Proposals was issued. Six vendors submitted proposals. Based on review of the technology, experience, customer service, and price, Dataprose, Inc. was selected to provide printing, mailing, e-bill presentment and e-payment of the City utility bills. On June 30, 2010, CSG Systems, Inc. bought out Dataprose, Inc. and accepted responsibility for the remaining term of the contract, which ends on June 30, 2013.

CSG Systems, Inc. has provided very good service and agreed to hold current pricing for an additional year, despite the fact that the company’s costs have gone up significantly. Staff recommends approving this amendment which will extend the contract for one additional year, after which time the work will be bid out again.

Fiscal Impact: None. Funding for this service is available from the Finance Department’s operational budget.

Recommendation: Authorize the City Manager to execute amendment No. 2 to the agreement with CSG Systems, Inc. to extend the contract for one additional year for an annual not-to-exceed amount of \$81,000.

- * 19. **Authorize the City Manager to Execute Amendment No. 5 to the Contract with Universal Building Services for Additional Janitorial Services for City Buildings in the Not-To-Exceed Amount of \$73,461 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: On September 22, 2010 the City entered into a contract with Universal Building Services to provide janitorial services for City Hall, Sports Center, Library Parking Garage, 1st Floor Fire Administration Building, and the Police Substation and Raceway. The total annual cost for these services was \$196,889.

On February 5, 2013 the City expanded the janitorial service contract to include the Community Center, Police Department, Public Works Department, Fire Department Modular Building, Jose Higuera Adobe Building, and the Senior Center. The monthly cost of this temporary service is \$24,487 per month for four months from March 1, 2013 to June 30, 2013 or a total of \$97,948, bringing the total value of the contract to \$294,837.

The City desires to extend the temporary contract for the additional locations to September 21, 2013 to coincide with the end of the original Universal Building Services contract. The additional cost for the last three months of the Universal Building Services contract is \$73,461 bringing the total value of the contract to \$368,298. The contract amendment is intended as a bridge until a new contract for citywide janitorial services can be put in place prior to September 22, 2013.

Fiscal Impact: None. Sufficient funds are available in the Public Works Facilities Maintenance budget to fund the work under this amendment.

Recommendation: Approve Amendment No. 5 to the contract with Universal Building Services for additional janitorial services for the not-to-exceed amount of \$73,461.

- * 20. **Authorize the City Manager to Execute Amendment No. 5 to the Agreement with East Bay Construction for City Street Landscape Maintenance Services (Staff Contacts: Chris Schroeder, 408-586-3161 and Steve Erickson, 408-586-3301)**

Background: On September 21, 2011, the City entered into an agreement with East Bay Construction to provide maintenance services for City street landscapes, medians, and parks. The total annual cost for these services was \$142,783.

Staff now wishes to expand the contract services to include street landscape and trail areas that were not accounted for in the original contract. The annual cost for the additional services is not to exceed \$128,000.

Fiscal Impact: None. Sufficient funds are available in the Public Works Street Landscape and Tree budget to fund the work under this amendment.

Recommendation: Approve Amendment No. 5 to the agreement with East Bay Construction for additional street landscape maintenance services subject to approval as to form by the City Attorney.

XXI. ADJOURNMENT