



**MILPITAS CITY COUNCIL AND
SUCCESSOR AGENCY TO FORMER REDEVELOPMENT AGENCY
JOINT MEETING AGENDA
TUESDAY, MAY 21, 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 (Mayor Esteves)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – April 30 and May 7, 2013**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS – May and June 2013**
- VIII. PRESENTATION – Proclaim May 2013 as *Eyeglass Recycling Month***
- 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. JOINT MEETING OF THE SUCCESSOR AGENCY TO FORMER REDEVELOPMENT AGENCY AND CITY COUNCIL

- * 1. **Adopt Joint Resolution Confirming Redevelopment Agency Exemption Period for Great Mall Signs within Milpitas Redevelopment Project Areas (Staff Contact: Michael Ogaz, 408-586-3040)**

XV. NEW BUSINESS

- 2. **Receive Oral Report on 2012 Crime Data for the City of Milpitas from the Chief of Police (Staff Contact: Steve Pangelinan, 408-586-2426)**
- * 3. **Accept the Association of Bay Area Governments FY 2012-13 Grant Funds and Appropriate the Funds into the Police Department's Operating Budget (Staff Contact: Armando Corpuz, 408-586-2534)**
- * 4. **Receive Recommendation to Deny Request for Donation to Non-Profit (Staff Contact: Mary Lavelle, 408-586-3001)**
- * 5. **Approve Placement of Plaque in Barbara Lee Senior Center Honoring those who were Instrumental with the Building of the Center (Staff Contact: Stephanie Douglas, 408-586-3226)**

XVI. ORDINANCE

- * 6. **Waive the Second Reading and Adopt Ordinance No. 38.808 Amending the Zoning Code to Conditionally Allow Live-Work Units within the Town Center Zoning District (Staff Contact: Tiffany Brown, 408-586-3283)**

XVII. RESOLUTIONS

- * 7. **Adopt a Resolution Granting Final Acceptance of City Facilities Improvement Community Center Heating, Ventilation, and Air Conditioning Replacement, Projects No. 8182 and No. 3406 (Staff Contact: Steve Erickson, 408-586-3301)**
- * 8. **Adopt a Resolution Granting Final Acceptance of the Street Resurfacing 2011 and 2012 Ranch Drive, Projects No. 4255 and No. 4261 (Staff Contact: Steve Erickson, 408-586-3301)**
- * 9. **Adopt a Resolution Approving the Preliminary Annual Engineer's Report, Declaring Intention to Levy Assessment for Fiscal Year 2013-14, and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Steve Erickson, 408-586-3301)**
- * 10. **Adopt a Resolution Approving the Preliminary Annual Engineer's Report, Declaring Intention to Levy Assessment for Fiscal Year 2013-14, and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Steve Erickson, 408-586-3301)**

- * 11. **Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, Milpitas City Hall Audio Visual System Upgrade, Project No. 9001 (Staff Contact: Steve Erickson, 408-586-3301)**

XVIII. CONTRACT

- * 12. **Authorize the City Manager to Execute Amendment No. 1 to the Contract with G&K Services for Uniform Rental and Laundry Services for the Annual Not-To-Exceed Amount of \$5,000 (Chris Schroeder, 408-586-3161)**

XIX. DEMAND

- * 13. **Receive Report of Emergency Repair of the Police/Public Works Building Emergency Generator Automatic Transfer Switch, Approve a Budget Appropriation, and Authorize Staff to Pay Invoices for Project No. 3406 (Staff Contact: Steve Erickson, 408-586-3301)**

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JUNE 4, 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 and General 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. JOINT MEETING OF THE SUCCESSOR AGENCY TO FORMER REDEVELOPMENT AGENCY AND CITY COUNCIL

- * 1. **Adopt Joint Resolution Confirming Redevelopment Agency Exemption Period for Great Mall Signs within Milpitas Redevelopment Project Areas (Staff Contact: Michael Ogaz, 408-586-3040)**

Background: Since circa 2000, the City permitted the construction of two freeway signs advertising the Great Mall and several of its tenant retailers. One of the signs (located on Highway I-880) is on property owned by the City of Milpitas and the other (I-680 sign) is located on private property. Those signs were permitted by Caltrans, pursuant to State law authorizing freeway signs advertising Redevelopment Area businesses. In 2012, State law dissolved all Redevelopment Agencies. Caltrans takes the position that existing Redevelopment freeway signs are allowed only until expiration of the governing Redevelopment Plan Area. The Area for these two signs will expire in 2033. The proposed action confirms that the Redevelopment Plan Area will continue through 2033 allowing Caltrans' permits to extend through that time period. The signs themselves may be replaced before that time under provisions governing their use under applicable leases.

Fiscal Impact: None

Recommendation: Adopt a Joint Resolution of the City of Milpitas and the Successor Agency confirming previously approved Redevelopment Agency exemption period for Great Mall Redevelopment Area.

XV. NEW BUSINESS

- 2. **Receive Oral Report on 2012 Crime Data for the City of Milpitas from the Chief of Police (Staff Contact: Steve Pangelinan, 408-586-2426)**

Background: At the Council meeting of April 16, 2013, Councilmember Debbie Indihar Giordano requested a report on crime from the Chief of Police.

Recommendation: Receive a report on crime, at the Council meeting, from the Chief of Police.

- * 3. **Accept the Association of Bay Area Governments FY 2012-13 Grant Funds and Appropriate the Funds into the Police Department's Operating Budget (Staff Contact: Armando Corpuz, 408-586-2534)**

Background: The Association of Bay Area Governments (ABAG) Pooled Liability Assurance Network (PLAN) has granted the Milpitas Police Department funds to purchase equipment that will reduce liability exposure and assist in defending third party claims against the City of Milpitas. The remaining FY 2012-13 grant fund balance is \$11,400 and has a spending deadline of June 30, 2013. The Police Department seeks to use the grant monies to acquire Video/Audio Camera Server Storage equipment. There is no requirement for matching funds.

Fiscal Impact: None. The FY 2012-13 Association of Bay Area Governments PLAN grant in the amount of \$11,400 will cover the proposed purchases.

Recommendation: Accept the ABAG PLAN grant and approve an appropriation in the amount of \$11,400 into the Police Department's operating budget.

- * 4. **Receive Recommendation to Deny Request for Donation to Non-Profit (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: In April, the City Clerk’s office received a request for a donation of City funds, from the non-profit organization Sound of Hope Radio Network. This agency seeks support for a special program offered in Milpitas on May 30, “Chinese and Asian American Small Business Symposium.” The maximum donation per Council policy could be \$500, while Sound of Hope initially requested a larger amount. The new City Council Donation and Fee Waiver/Reduction Policy was approved by City Council on April 16, 2013, and it provides specific criteria. One requirement is “The organization must be . . . based in Milpitas or have a local affiliation within the City.” This non-profit group is located in San Francisco, and it does not have an office or location in Milpitas. For that reason, staff is unable to recommend approving the request.

If the City Council wishes to make a donation, it will need to make exception or override the approved policy. The application and IRS tax-exempt letter submitted by Sound of Hope Radio Network is included in the agenda packet, along with Council policy.

Fiscal Impact: None. If a donation is approved, funds would need to be allocated from the City Council Community Promotions Unallocated line of the budget.

Recommendation: Deny funding request from Sound of Hope Radio Network, due to its location outside of the City of Milpitas.

- * 5. **Approve Placement of Plaque in Barbara Lee Senior Center Honoring those who were Instrumental with the Building of the Center (Staff Contact: Stephanie Douglas, 408-586-3226)**

Background: The new Barbara Lee Senior Center opened in August of 2010 to the public for programs, classes, trips, special events, and social services for older adults of the Milpitas community. This new building came to fruition because of the dedication and hard work of a small group of individuals who participated in the planning studies and public outreach for the new senior facility. There has been no formal acknowledgement of these individuals’ hard work.

With endorsement from the Senior Advisory Commission, it is recommended that a plaque with the volunteers’ names be placed in the Barbara Lee Senior Center as a testament to their role in the existence of the building.

Proposed Plaque Language: A proof of what the plaque may look like is included in the agenda packet. The Senior Advisory Commission will vote on final language and display.

Senior Advisory Commissioners voted to support this project at their April 23, 2013 meeting.

Fiscal Impact: No more than \$3,000. Funds may be allocated from City Council Community Promotions Unallocated budget.

Attachment: Sample of Plaque

Recommendation: Approve funding and placement of new plaque in Barbara Lee Senior Center honoring individuals who were instrumental with the building of the new Senior Center.

XVI. ORDINANCE

- * 6. **Waive the Second Reading and Adopt Ordinance No. 38.808 Amending the Zoning Code to Conditionally Allow Live-Work Units within the Town Center Zoning District (Staff Contact: Tiffany Brown, 408-586-3283)**

Background: On May 7, 2013, the City Council introduced Ordinance No. 38.808 amending the Zoning Ordinance. The text amendment will incorporate “live-work” units as a conditionally permitted use within the Town Center Zoning District; introduce “live-work” specifications under

Section 13 “Special Uses”; add “live-work” parking requirements; and further define “live-work” units in Section 2 “Definitions.” Ordinance No. 38.808 is now ready for adoption.

Fiscal Impact: None.

Recommendations:

1. Move to waive the second reading of Ordinance No. 38.808.
2. Adopt Ordinance No. 38.808 amending the Zoning Code to conditionally allow live-work units within the Town Center zoning district.

XVII. RESOLUTIONS

- * **7. Adopt a Resolution Granting Final Acceptance of City Facilities Improvement Community Center Heating, Ventilation, and Air Conditioning Replacement, Projects No. 8182 and No. 3406 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: This project was initially accepted on April 17, 2012, and has passed the one-year warranty period. A final inspection of the installed public improvements has been made and the work was found to be satisfactory. The project provided for the installation of new heating, ventilation, and air condition units, related controls, duct work and minor roof modifications for the City’s Community Center building.

Staff recommends the Council grant final project acceptance of the City Facilities Improvement Community Center Heating, Ventilation, and Air Conditioning (HVAC) Replacement, Projects No. 8182 and No. 3406, and release the contractor’s bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of City Facilities Improvement Community Center Heating, Ventilation, and Air Conditioning (HVAC) Replacement, Projects No. 8182 and No. 3406, and release of the contractor’s bond.

- * **8. Adopt a Resolution Granting Final Acceptance of the Street Resurfacing 2011 and 2012 Ranch Drive, Projects No. 4255 and No. 4261 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: This project was initially accepted on February 21, 2012, and has passed the one-year warranty period. A final inspection of the installed public improvements has been made and the work was found to be satisfactory. The project provided for pavement repairs at several locations and an asphalt concrete overlay on Ranch Drive. Staff recommends the Council grant final project acceptance of the Street Resurfacing 2011 and 2012 Ranch Drive, Projects No. 4255 and No. 4261, and release the contractor’s bond.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting final acceptance of Street Resurfacing 2011 and 2012 Ranch Drive, Projects No. 4255 and No. 4261 and release of the contractor’s bond.

- * **9. Adopt a Resolution Approving the Preliminary Annual Engineer’s Report, Declaring Intention to Levy Assessment for Fiscal Year 2013-14, and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD 95-1) maintains and improves public landscaping and pedestrian lighting along North McCarthy Boulevard and the Ranch Drive gateway. Before Council may levy the annual assessment for this District, the Landscaping and Lighting Act of 1972 requires Council to approve an annual engineer’s report evaluating the District’s maintenance and improvement costs. On May 7, 2013,

the City Council directed the City Engineer to prepare this report, which is included in the Council packet. Proposed improvements included in the 2013-2018 Capital Improvement Program are renovation of the District's lighting, landscaping, and irrigation systems. The proposed total assessment of \$276,676 is not increased from the prior year. Council must also adopt a resolution that declares its intent to levy an assessment and directs publishing of notice of a public hearing to be held on June 4, 2013.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving the annual engineer's report, declaring intention to levy an assessment, and providing for notice of public hearing on June 4, 2013, for LLMD No. 95-1.

- * **10. Adopt a Resolution Approving the Preliminary Annual Engineer's Report, Declaring Intention to Levy Assessment for Fiscal Year 2013-14, and Providing for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Landscaping and Lighting Maintenance Assessment District No. 98-1 (LLMD 98-1) maintains and improves public landscaping and pedestrian lighting along Sinclair Frontage Road, Los Coches Creek, and Berryessa Creek abutting the Sinclair Horizon residential subdivision. Before Council may levy the annual assessment for this District, the Landscaping and Lighting Act of 1972 requires Council to approve an annual engineer's report evaluating the District's maintenance and improvement costs. On May 7, 2013, the City Council directed the City Engineer to prepare this report, which is included in the Council packet. Proposed improvements included in the 2013-2018 Capital Improvement Program are renovation of the District's lighting, landscaping, and irrigation systems. The proposed total assessment of \$36,591.24 is not increased from the prior year. Council must also adopt a resolution that declares its intent to levy an assessment and directs publishing of notice of a public hearing to be held on June 4, 2013.

Fiscal Impact: None.

Recommendation: Adopt a resolution approving the annual engineer's report, declaring intention to levy an assessment, and providing for notice of public hearing on June 4, 2013, for LLMD No. 98-1.

- * **11. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, Milpitas City Hall Audio Visual System Upgrade, Project No. 9001 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On January 17, 2012, Milpitas City Hall Audio Visual System Upgrade Project was awarded to PCD Inc. The project provides for the replacement and upgrade of aging and faulty audio and video equipment within the Council Chambers, control room, and conference rooms at City Hall. The project was successfully completed within budget. Staff recommends that Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor's faithful performance bond to \$103,659, which is 10% of the final contract value.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Milpitas City Hall Audio Visual System Upgrade, Project No. 9001, subject to a one-year warranty period and reduction of the faithful performance bond to \$103,659.

XVIII. CONTRACT

- * 12. **Authorize the City Manager to Execute Amendment No. 1 to the Contract with G&K Services for Uniform Rental and Laundry Services for the Annual Not-To-Exceed Amount of \$5,000 (Chris Schroeder, 408-586-3161)**

Background: On March 5, 2012, the City of San Jose went out to bid for uniform rental and laundry services. The contract was awarded to G&K Services. The City of Milpitas “piggybacked” on that contract to take advantage of the pricing based on the economies of scale offered by the size of San Jose’s bid. The initial \$24,000 estimated annual cost of the contract for Milpitas was insufficient due to the fact that some departments increased the size of their orders. The contract is for one year, with up to four one-year renewal options. The contract value needs to be increased by \$5,000 to cover the estimated cost through the end of the first year of the contract. The new annual cost for the contract will be \$29,000.

Fiscal Impact: \$5,000. The cost for this service is included in the individual departments’ Fiscal Year 2012-13 operating budgets.

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the City’s contract with G&K Services for uniform rental and laundry services, for the not-to-exceed annual amount of \$5,000.

XIX. DEMAND

- * 13. **Receive Report of Emergency Repair of the Police/Public Works Building Emergency Generator Automatic Transfer Switch, Approve a Budget Appropriation, and Authorize Staff to Pay Invoices for Project No. 3406 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Pursuant to state public contracting law and Council Resolution No. 7779, the Director of Public Works may authorize emergency work, but must provide the City Council with a report of all such work. On May 3, the Public Works Director authorized Summers & Sons Electric to fabricate and install an automatic transfer switch (ATS) on the Police and Public Works Building emergency generator as an emergency repair.

The ATS switches from PG&E power to the emergency generator when the switch senses a PG&E power outage. The ATS and emergency generator systems were originally installed with the construction of the Police/Public Works Building, and are over twenty years old. New parts for the system are no longer readily available. Recently, the ATS system has not been operating reliably. In addition, the ATS system has not been recharging the main breaker or resetting once PG&E power is restored. On May 3, PG&E experienced a power disruption. The ATS and emergency generator system failed in that it did not sense the 45 minute PG&E outage, and did not transfer to emergency generator power.

Reliable emergency power for the Police Building is essential for maintaining emergency 911 communications, public safety dispatch functions, as well as the Information Services and Public Works Departments. Staff consulted with several qualified electrical firms to assist with diagnosing and correcting the problems. Due to the systems being old, several firms indicated that they could not perform the necessary repairs. The firm of Summers & Sons was responsive, was able to diagnose the problem, and is willing to fabricate the required repairs. The Scope of Work includes providing a 650kw temporary generator to power the building during the work, fabricating, installing, testing, and commissioning the new ATS systems at a cost that should not exceed \$100,000.

Fiscal Impact: A budget appropriation of \$100,000 from the General Government CIP Fund into Project No. 3406 is requested to fund this unforeseen repair expenditure.

Recommendations:

1. Receive this report of emergency repair of the Police/Public Works building emergency generator ATS.

2. Approve the budget appropriation of \$100,000 from the General Government CIP Fund into Project No. 3406.
3. Authorize staff to pay Summer & Sons for this work.

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JUNE 4, 2013 AT 7:00 P.M.**

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Special Meeting of Milpitas City Council
Date: Tuesday, April 30, 2013
Time: 6:00 PM
Location: Committee Room 1st floor, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the budget workshop meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Polanski, and Councilmembers Giordano and Montano

ABSENT: Councilmember Gomez was absent at roll call and arrived 6:02 PM.

This meeting would be adjourned in memory of Mrs. Mareile Ogle, Mayor Esteves announced.

PUBLIC FORUM

Resident Jackie Romero asked the Council to add money into the budget for one program, and Mayor asked her to address the Council later at the time of public comments on that topic.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

**OVERVIEW OF
STRATEGIC PLANNING**

City Manager Tom Williams gave a brief overview of the process planned for the City's Strategic Plan and announced he had hired Dr. Shawn Spano of San Jose State University. Four Phases of the process were planned starting with Phase I Vision, to be followed by establishing mission and values next.

Vice Mayor Polanski inquired if there were any sample from another city, as an example of what to expect. The City Manager replied yes.

Councilmember Giordano asked about costs for this process. Mr. Williams reported Phase I would cost close to \$20,000 and, later, it could cost up to \$150,000 for all four phases total for the Strategic Planning process.

Councilmember Gomez wondered why the strategic plan was worth spending \$150,000. He had input and a vote, if this would be worth the investment. The City Manager would work with City Council after Phase I, with input from Council. He knew there was a lot of value in the strategic planning process. Mr. Gomez responded that was why there was City staff to figure this out while the City Manager felt it was good to have the outsider, one consultant with knowledge of other municipalities, new perspective, credibility, new face, while ultimately the plan and its expense would be up to City Council.

Councilmember Montano thought this was a good idea, especially to include the community in planning, in order to find out what the community wanted as a benchmark.

Mayor Esteves commented that there were a lot of uncertainties. There could be lots of changes, with an election every two years, redevelopment now gone, state law changes, etc. He asked if the plan would be dynamic and the City Manager said yes, it would be flexible. The Mayor referred to risk in the plan. Mr. Williams replied there was risk tolerance built into any decision and it was of course necessary to manage risk.

**BUDGET PLANNING FOR
FISCAL YEAR 2013-14**

City Manager Williams introduced the upcoming fiscal year's budget, by providing several major accomplishments over the last five years. The structural budget deficit had been improving. He highlighted especially the building activity in the Transit Area Specific Plan area in the south end of City.

Councilmember Giordano inquired about how the auto dealers were doing, with regard to business in Milpitas. Mr. Williams said the two car dealers were on county property, and he had not heard any new activity of the dealers' area next to freeway.

Mayor Esteves knew that some areas (of City government) were not accomplished; for example, there was always a need for an Economic Development Director but that was vacant. Were there others, he asked. Mr. Williams said there were other successes with businesses in the City, and noted that with a city-wide staff reduction from a high of 530 to currently 330 full-time city employees, it had been tough times. Employees were continuing to deliver services without a lot of impact to the community.

Vice Mayor Polanski stated that the Capital Improvement Program (CIP) and infrastructure were the items she prioritized. She asked the City Manager what was the timeline for the buildout of the Transit Area Specific Plan and fee/income from the new Community Facilities District (CFD) in that neighborhood. Mr. Williams replied it was market driven. Over the next 12-15 years would likely be the buildout of that neighborhood. As rooftops were added, funds in the CFD would be incoming, and then the City could look at adding Fire and Police staff and other resources needed.

Vice Mayor Polanski commented on the Strategic Plan, that when milestones were reached, one could figure out how many more firefighters or police could be added.

Councilmember Gomez identified elements of economic development that could be addressed by the City, including improvements in efforts to bring businesses to the City. He asked many questions about condition of roadways and the need to improve the Pavement Condition Index (PCI) overall.

Mayor Esteves also sought ways to continue to maintain PCI at 69 or 70, while he emphasized the importance of funding roadway maintenance and repair. Council needed to create a realistic budget figure each year for this important task.

Councilmember Montano felt that from Highway 237 to local streets, some were in poor to failing condition. The backlog was in the millions to bring the roads all up to date.

Vice Mayor Polanski had seen reports with these needs over the years, sitting on the former CIP subcommittee with the Mayor. In the budget, the Council needed to look at core needs where a percent of revenues must go to infrastructure, such as streets.

City Manager Williams stated one of the major recommendations for the next year's budget was to revise current policy to direct the funds from the (former) Redevelopment Agency area's property tax distribution and the 2% Transfer Occupancy Tax funds for capital improvements.

Mayor Esteves asked if the current \$2.4 million RDA property tax redistribution would go to the CIP in the current fiscal year. The City Manager said no, it would close the gap at the end of the year. Meantime, there remained long term financial challenges, including the benefits as percent of base salary which remained high in this City.

Councilmember Polanski said the Council had not discussed longevity (one type of pay for some employee groups), which was still available for employees, even with PERS and salary "give backs." She asked the City Manager what were some of the raises given over the last years, before the 7% and other cuts were made. Mr. Williams described step increases for those newer in the organization. He discussed employee costs, with a chart

that displayed the percent of benefit costs to salary amounts for City of Milpitas employees, both public safety and miscellaneous groups.

Councilmember Gomez wanted to know if staff would discuss details such as how many officers would be needed in the Police Department, and how many firefighters needed in Fire etc. He wished to address these topics later at this meeting.

Vice Mayor Polanski wanted a more general overview on the budget and to educate the newest Councilmember.

Mr. Williams then introduced Finance Director Emma Karlen, who went over the 2013-14 budget as proposed and the basic situation with a continuing deficit, and revenues coming in lower than expenditures over the past several years. The City would start with a \$2.4 million anticipated budget shortfall for next FY 2013-14. An amount each year was identified for RDA property tax redistributions, with \$2.4 million anticipated in the current and next fiscal years. She reviewed various categories of tax revenues as well as PERS rates going up over a dozen years. Ms. Karlen noted that some PERS assumptions would change, on the expected rate of return. As usual, medical premium costs did go up every year, more than the rate of inflation.

Staff recommended revised fiscal policies and those would be presented at the budget hearing. One of the changes, for instance, was that there were no available funds for storm drain improvements, so there was no reason to list it as a type of replacement reserve fund any longer.

In reply to Mr. Gomez, City Manager Williams agreed to send the number of employee positions per department to Councilmembers the following day.

This year, a solution was planned for a fairly simple manner of balancing the budget, while staff would need input from the Council, the City Manager explained.

Finance Director Karlen said that each year, she set aside some funds for employee leave cashouts, but often it was not enough in total. The amount expended depended each year on which employees leave or retire from the City. Typically, the budgeted amount was \$600,000 with the remaining need covered by individual departments' savings. Mayor Esteves wanted to see the five-year General Fund projection at the hearing on May 14.

Next, the Mayor invited public speakers to the podium, although the meeting was not a public hearing.

Lisa, a Hamilton Ave. resident and mother, asked how the community could get involved in this budget. Parents of children in the theater program were working hard on \$5,000 goal for fundraising and they were seeking more support. They needed contacts to reach out to large companies for support.

The City Manager replied to her and all residents that they were welcome at this meeting and the upcoming budget hearing. There was no plan to have other solicitation meetings on the budget this year, while staff was still implementing the City's Budget Task Force recommendations from a few years ago. All citizens were welcome to contact him.

Mayor Esteves commented on the recently approved art piece for the front of City Hall. The City needed a display of history, and people voted on Measure H and I several years ago which raised millions for a variety of purposes. Only \$175,000 was for art out of that fund created by a 2% increase in the City's transfer occupancy (hotel) tax (TOT).

Councilmember Giordano noted that the Council voted as a majority to support that TOT increase. There was input and recommendation from Public Art Committee members, and the list was long for art work in Milpitas compared to other cities. The new art piece was needed, she felt.

Lisa Baker asked where she could find information about those measures and funding for the art. She spoke about her daughter and hard work of the Milpitas Police Department to protect her child. There was a strong need for Rainbow Theatre as one outlet for children in Milpitas and a need to give back to the community.

Lisa Moran, a mother of theatre participants, sought support for the children's theatre program seeking funding help. It was amazing what it did for children who participate and it was "arts" with a lack of funds. She felt children were the priority.

Mayor Esteves replied to her, with information including the support from the City by allowing use of the Community Center auditorium for no fee. Councilmember Giordano suggested the parents' present something specific, as to the needs the group had and she said that a concrete plan was sought.

Carol Kassab, CEO of Chamber, wished for her organization to be more involved with economic development of the City. She recommended having a paid, outsourced Economic Development staff.

City Manager Williams requested to be clear on what the Council's expectations and desire were for the budget presentation at the budget hearing.

Councilmember Gomez wanted to have detailed information in writing, including the number of employee positions per department with the services offered. Councilmember Montano wanted a detailed presentation by department so she could be an effective decision maker. Councilmember Giordano agreed that would be helpful for the public.

The City Manager replied that department heads could each speak for about five minutes or so, stating their goals. Vice Mayor Polanski expected to get the budget document, which usually listed each department with those details which she would review prior to the meeting and then ask questions of City Manager or Department Heads. The interactive part of the meeting was most helpful.

Councilmember Montano asked about the pay rates for the City's crossing guards, stating they have not had a raise in ten years so she sought more for that group. She felt there should be more money for crossing guards pay, and more for streets.

Councilmember Giordano commented that on page 19 list, she would move street improvement needs as a higher priority, up to No. 1. She also agreed with the Mayor on leaving storm drain reserve fund needs on the CIP list.

Mayor Esteves stated that if the City was serious in observing the PCI rating on streets, then it was necessary to fund it to meet a specific number. He wanted to have more discussion on decision points, with alternatives to let Council decide.

There was further discussion on crossing guards, and their hourly pay rate. Mr. Gomez asked for an analysis from City staff, including a salary survey.

Mayor Esteves was interested in re-visiting the DARE program, a Police Department program offered in the past in the elementary schools.

Councilmember Montano made a motion for staff to do an analysis on salary versus other cities on crossing guards' pay. It was seconded by Councilmember Gomez.

Vice Mayor Polanski was unsure about crossing guard pay. She wanted the City Manager or City Attorney to explain state law, the Education Code versus transportation requirements of the City. The School District had recently passed a parcel tax, and gave pay raises at MUSD. She felt after-school tutoring could be taken up by the School District. The City had supported schools in the millions with various programs.

Councilmember Montano wanted the proof about the legal requirement of who was responsible for crossing guards in the City. City Attorney Ogaz said he would provide that to Council.

Councilmember Giordano was opposed to the motion. She loved attending the previous DARE graduations at the Milpitas schools, but she did not support reviewing cut programs at this time.

Motion/Second: Councilmember Montano/Councilmember Gomez

Motion carried by a vote of: AYES: 4
NOES: 1 (Giordano)

Next, Councilmember Gomez requested information on an after-school homework tutoring center at a school site, and also information on the DARE program costs. Mayor Esteves seconded these ideas, if that was the motion.

Vice Mayor Polanski stated she would rather have “boots on the ground” than the programs noted by Mr. Gomez.

Motion/Second: Councilmember Gomez/Mayor Esteves

Motion carried by a vote of: AYES: 3
NOES: 2 (Giordano, Polanski)

There was a definite need to plan for a reserve for street maintenance, long-term in the future. Vice Mayor Polanski pointed out the long term \$10 million needs, as noted on one slide of the presentation. She felt there should be a set aside amount toward streets maintenance, each year toward the identified gap. For instance, when extra revenue existed, it should go toward streets and storm drain maintenance.

Mayor Esteves repeated that he wanted to maintain the PCI each year.

Councilmember Giordano said the Council could go one step further, and move street improvements up to No. 1 on the priority list.

Motion: if there were any revenues above what was needed to balance the City budget, a percentage of it would go to streets maintenance and improvement, take a look at funding needs that do not have a funding source, and prioritize streets as No. 1 on list

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 8:45 PM in memory of Mrs. Mareile Ogile, longtime resident of Milpitas and former Arts Commissioner.

*Meeting minutes drafted and submitted by
Mary Lavelle, City Clerk*

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of: Milpitas City Council regular meeting
Date: Tuesday, May 7, 2013
Time: 6:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the joint meeting to order at 6:00 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano and Montano

ABSENT: Councilmember Gomez was absent at roll call and arrived at 6:05 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss labor negotiations and one litigation matter.

City Council then convened in Open Session at 7:05 PM.

ANNOUNCEMENT

No announcement out of Closed Session.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Mayor Esteves offered a prayer to start the meeting.

MINUTES

Motion: to approve meeting minutes of April 16, 2013 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendar/Schedule of Meetings for May 2013

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves proclaimed *Older Americans Month* for the month of May 2013, and proclamation was accepted by Milpitas Senior Advisory Commission Chair Barbara Ebright.

The Mayor also proclaimed *Wildfire Awareness Week* for the week of May 5-11, 2013, accepted by Fire Chief Brian Sturdivant of Milpitas Fire Department and Assistant Chief Jerry Serpa of Spring Valley Volunteer Fire Department.

PUBLIC FORUM

Carol Kassab, CEO of Chamber of Commerce, invited all to the Mayor's "State of the City" speech at the Milpitas Community Center on Thursday, May 30, with the doors open at 6:30 PM and the speech scheduled to start at 7:00 PM.

Robert Marini, Milpitas resident, spoke on the recent notice he received of a water rate increase.

Rob Means, 1421 Yellowstone resident, spoke on global warming, environmental change, more wildfires happening and the need to control those.

ANNOUNCEMENTS

Mayor Esteves announced that on June 1-2, the Humane Society Silicon Valley would offer Free Pet Adoption those dates, at 901 Ames Avenue in Milpitas. He asked the City Manager about any community meetings on the budget. City Manager Tom Williams replied there had been one Council workshop last week on April 30, and the public hearing on the next Fiscal Year’s budget was scheduled the following Tuesday evening, May 14 at 6:00 PM in Council Chambers.

Vice Mayor Polanski responded that, as part of the future strategic planning process, there would be community outreach efforts, as referenced by the City Manager last Tuesday night. Mr. Williams said that he had not heard from anyone from the public on the schedule of the meetings.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk)

City Manager Williams turned to City Attorney Mike Ogaz for a statement on reporting by Councilmembers of campaign contributions. Mr. Ogaz asked if any contributions needed to be disclosed related to any items on consent calendar and none were reported.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

- * 4. Odor Control Report Received the April 2013 odor report.
- * 5. BAWSCA Appointment Re-appointed Councilmember Gomez to another term on the Board of Directors for the regional body, the Bay Area Water Supply and Conservation Agency (BAWSCA) and also the Bay Area Regional Water System Financing Authority (RFA).
- * 6. Investment Status Received the investment report for the quarter ended March 31, 2013.
- * 7. Resolution Engineer’s Report for LLMD No. 95-1 Adopted Resolution No. 8254 directing the preparation of the Annual Engineer’s Report for LLMD No. 95-1 at McCarthy Ranch.
- * 8. Resolution Engineer’s Report for LLMD No. 98-1 Adopted Resolution No. 8255 directing the preparation of the Annual Engineer’s Report for LLMD No. 98-1 at Sinclair Horizon.
- * 9. Resolution for TDA Funds for Street Resurfacing Adopted Resolution No. 8256 requesting that the Metropolitan Transportation Commission allocate Transportation Development Act Article 3 Funds to the City for Street Resurfacing 2014, Projects No. 4254 and No. 4268.
- *10. Resolution of Intent on Nitrogen Gas franchises Adopted Resolution No. 8257 of intention to amend ordinances and license agreements with nitrogen gas companies, and set June 4, 2013 as the date for a public hearing at the City Council meeting and to introduce the ordinances.
- *11. Amendment No. 2 to Harris & Assoc Agreement Approved and authorized the City Manager to execute Amendment No. 2 to the consultant agreement with Harris & Associates in the amount of \$275,000, subject to approval as to form by the City Attorney. Approved a budget appropriation in the amount of \$57,500 to increase Land Development Engineering expenditure budget for the remaining of the fiscal year that will be reimbursed by private development.

actions toward implementation of the CAP, including annual reports back to the City Council. Staff introduced Jeff Henderson, from the consulting firm PMC, who was available to answer questions from the Council.

Mayor Esteves asked who the stakeholders were. Staff's reply included members of the public, the media, the Sierra Club and other organizations such as Santa Clara Valley Transportation Authority (VTA). With regard to a note in staff report referring to expenditure of redevelopment agency (RDA) funds, staff explained that the CAP has been a several year process and RDA funds were expended near the beginning (prior to its demise). The Mayor said he liked to hear that more trees were encouraged or required in the CAP, highlighting goals of maintaining and increasing trees throughout the City.

Councilmember Montano asked about non-residential energy, listed on a pie chart display. This referred to energy used by commercial or industrial consumption. She asked if the City had done an inventory on buildings that could potentially have solar panels. The City Manager replied yes, and stated solar panels were already installed at the Sports Center, for example.

Next, Mayor Esteves opened the public hearing.

Rob Means, 1421 Yellowstone, spoke as a member of Sierra Club "Cool Cities" effort and distributed a letter with their comments. He said that none of those comments were included in the final recommendation from staff in the CAP.

Krystal Caidoy, Milpitas resident, thanked the Santa Clara Valley Transportation Authority and the City for providing funds to move the CAP forward, and having this done in Milpitas.

Robert Marini, Milpitas resident, commented that citizens were over-taxed on sewer costs. He remarked on fire personnel at this meeting, driving inefficient fire trucks to City Hall.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

Mayor Esteves noted traffic problems where the carpool lane stopped on Highway 237 which he thought contributed to emissions, and asked what could be done about it. The consultant and the City Manager replied on Vehicle Miles Traveled, vehicle fleet, travel time, and other elements factored into the analysis of the amount of CO2. There would be a monitoring tool used by city staff for year by year progress of the Climate Action Plan.

Councilmember Gomez wanted to know how much gas tax contributed to the City now, and the Finance Director answered approximately \$1.2 million.

Vice Mayor Polanski asked about consequences if emissions in the City were not lowered to levels identified in the CAP. Staff replied there were no fines in the legislation as adopted, but that could always change. She opposed what the state had done, imposing more mandates, and was not in favor of an increase in the gas tax.

(2) Motion: to adopt Resolution No. 8252 adopting a Negative Declaration and approving the Climate Action Plan

Motion/Second: Councilmember Giordano/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

3. Residential Development
Project at 375 Los Coches Lots
1 and 2 - Ordinance and
Resolution

City Attorney Mike Ogaz requested from Councilmembers an oral report of any campaign contributions from the developer of this project and none were reported.

City Planner Tiffany Brown presented a proposal for live-work units in concert with a new residential project in the City on a 2.7 acre property at Los Coches and Milpitas Blvd. in the Town Center Zoning District. The proposal was received from DRG Builders and Mr. Doyle Heaton. A text amendment was necessary in this area for the project, since “live-work” units were not presently a listed use in the Town Center zone. By asking the City Council to adopt an ordinance, the text amendment amending the municipal code would accomplish the change sought.

Councilmember Giordano inquired about Planning Commission review of the project, and she read the meeting minutes and asked about the vote on the project by that body.

Mayor Esteves viewed the slides of the current status of the site, and asked the difference in the style of buildings proposed compared to what was presently on site. Live-work units with commercial on the first floor and residential use above that would introduce a new look to the neighborhood. The Mayor inquired about 5% commercial in the building mix where 500 sq. ft. commercial was very small, and wondered what business would fit there. He asked detailed questions on layout of the mixed-use buildings, children, square feet, parking entry and exits. He referred to traffic, and remarks made by Council’s Transportation and Land Use Subcommittee in the past, about busy traffic intersection and how that would be addressed by a developer. The Mayor suggested a review of park in lieu fee amounts paid by the developer. City Manager Williams responded that every year, an appraisal was done for the average acre per land for those fees, and would need to be done again later this year.

Councilmember Gomez referred to the Council Subcommittee and past discussions of what would go on this particular site, after a long period of vacancy. He commended staff and the applicant to come up with the combination concept of commercial mixed in with residential.

Vice Mayor Polanski agreed with Mr. Gomez’ comments. This site had been under review for a long time. She noted that she had met with the developer on the project proposal. It was a unique concept in this City, with a good compromise. She noted there were walkways and crosswalks, noting the responsibility of parents to watch out for children at busy roads and intersections.

Councilmember Giordano was glad to hear the Planning Commission did approve this project, as she always cared to learn how the members voted. This was a true “infill” project, she felt. All came up with a good compromise in this project, and it should fit in with the neighboring new residential project behind it, recently approved.

Councilmember Montano stated overall this was a good project, and she liked the commercial aspect to the front units. It was compatible with recently approved new homes nearby. She liked this idea and the unique architecture. Maybe there could be more live-work units in other parts of City as well. The walking trail would be enhanced at the former section of Calaveras Road, and she requested a new sign added there.

Applicant Doyle Heaton along with representatives of DRG Builders and the architect came to the podium, and thanked city staff for coming up with this new concept. Mr. Heaton responded to Councilmember Montano that he would be pleased to add a sign or plaque at the trail. Architect Ed Novak remarked on the flexibility in the commercial space with lots of glass on storefronts.

Councilmember Montano inquired about a Home Owners Association, and how that would work. Mr. Heaton answered, with remedies based on the association’s Conditions, Covenants and Restrictions, as for all residences on site.

Mayor Esteves next opened the public hearing.

Eldon Shreves, Milpitas resident of 50 years, was the property owner at this site, and noted that his adult children lived in Milpitas, with his son active with the Spring Valley Fire Department. He was happy with the proposed use and the improvement of the site as recommended, so he was very much in favor of the project and urged a yes vote.

Robert Marini, Milpitas resident, was opposed to the project, and felt the right to vote was marginalized when more residents would be added, on sewer rates. Also, traffic would increase too much and cause an increase of water demand, another problem.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.808

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

City Attorney Ogaz read aloud the title of Ordinance No. 38.808 “An Ordinance of the City Council of the City of Milpitas Amending Title XI, Chapter 10, Sections 2, 5, 13, and 53 of the Milpitas Zoning Ordinance to Conditionally Allow Live-Work Units within the Town Center Zoning District, further Define Live-Work Units, Introduce Live-Work Unit Specifications, and Add the Live-Work Parking Requirements.”

Motion carried by a vote of: AYES: 5
NOES: 0

(3) Motion: to introduce Ordinance No. 38.808 related to addition of Live-Work units to the Zoning Code

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 4
NOES: 1 (Esteves)

(4) Motion: to adopt Resolution No. 8253 approving Lots 1 and 2 Project at 375 Los Coches and the Mitigated Negative Declaration

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 4
NOES: 1 (Esteves)

RESOLUTIONS

Four resolutions were adopted on the consent calendar.

CONTRACTS

Four items were approved on consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 9:14 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*

April 2013						
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Council Calendar

May 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 7:30 AM-VTA Northeast (JE) 5:30 PM Veterans Commission – special meeting (DG) 7:00 PM-Community Advisory Commission (AG)	2 5:30 PM-VTA Board of Directors (JE) 7:00 PM-Bicycle Pedestrian Advisory Commission (AG)		
5	6 10:00 AM-SVRT Program Working Committee (JE) 7:00 PM-Parks, Recreation & Cultural Resources Commission (AP)	7 6:00 PM-Closed Session 7:00 PM-City Council	8 7:00 PM-Planning Commission	9 7:00 PM-Cities Assoc of SCC (JE) 7:00 PM-Youth Advisory Comm. (DG)	10	11
12	13 4:00 PM-Milpitas Oversight Board (AG) 6:00 PM-Economic Development Commission (CM)	14 6:00 PM Budget Hearing	15	16 4:00 PM- VTA Policy Advisory Committee (AG) 4:30 PM- Treatment Plant Advisory Committee (JE) 7:00 PM-Emergency Prep. Commission (AP) 7:00 PM-Bay Area Water Supply Conserv. Agency (AG) (Foster City)	17	18
19	20 7:00 PM-Telecommunications Commission (AP) 7:00 PM-Library Advisory Commission (CM)	21 6:00 PM-Closed Session 7:00 PM-City Council	22 7:00 PM-Public Art Committee @ Community Center (DG)	23 9:30 AM-Coyote Flood Protection Watershed Advisory Committee (CM) 12:00 PM-VTA Admin & Finance Committee (JE) 7:00 AM-Milpitas Chamber of Commerce Board (DG) 7:00 PM-Sister Cities Commission (CM)	24	25
26 <i>Remembering those who paid for our freedom.</i> 	27 CITY HOLIDAY MEMORIAL DAY 9:00 AM Memorial Day Ceremony (Veterans Plaza)	28	29	30 12:00 PM-Terrace Gardens Board of Directors (DG) 6:30 PM-State of the City Address @ the Community Center Auditorium	31	

May 2013						
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July 2013						
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28	29	30	31			

Council Calendar June 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 7:00 PM -Parks, Recreation & Cultural Resources Commission (AP)	4 6:00 PM -Closed Session 7:00 PM -City Council	5 7:30 AM -VTA Northeast Group (JE) 5:30 PM -Veterans Commission (DG) 7:00 PM -Community Advisory Comm. (AG)	6 1:30 PM -SCC Library JPA Board (CM) 5:30 PM -VTA Board of Directors (JE)	7	8
9	10 6:00 PM -Economic Development Commission (CM)	11	12 7:00 PM -Planning Commission	13 4:00 PM -VTA Policy Advisory Committee (AG) 4:30 PM -Treatment Plant Advisory Committee (JE) (San Jose) 7:00 PM -Youth Advisory Comm. (DG) 7:00 PM -Cities Assoc of SCC (JE)	14	15
16	17 7:00 PM -Telecommunications Commission (AP)	18 6:00 PM -Closed Session 7:00 PM -City Council	19	20 12:30 PM -VTA Admin & Finance Committee (JE) 4:00 PM -SVRT Program Working Committee (JE)	21	22
23	24	25 1:30 PM -Senior Advisory Commission (JE)	26 7:00 PM -Planning Commission	27 7:00 AM -Milpitas Chamber of Commerce Board (DG) 12:00 PM -Terrace Gardens Board of Directors (DG) 7:00 PM -Sister Cities Commission (CM)	28 9:00 AM -VTA Board of Directors (JE)	29
30						

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND
THE BOARD OF THE SUCCESSOR AGENCY TO THE MILPITAS REDEVELOPMENT AGENCY
CONFIRMING THE PREVIOUSLY APPROVED REDEVELOPMENT EXEMPTION PERIOD FOR THE
GREAT MALL REDEVELOPMENT AREA, WHICH INCLUDES TWO NON-CONTIGUOUS ADDED AREAS**

WHEREAS, on or about June 28, 2011, the Governor signed into law AB X1 26, as subsequently amended by AB 1484, which provided for the dissolution and winding down of redevelopment agencies throughout the State of California (“Dissolution Legislation”); and

WHEREAS, pursuant to the Dissolution Legislation, the City of Milpitas elected to be the Successor Agency to the Milpitas Redevelopment Agency to administer the dissolution and winding down of the Agency; and

WHEREAS, on February 1, 2012, pursuant to AB X1 26, the Agency was dissolved and, upon dissolution, all assets, properties and contracts of the Agency, including the Rental Agreement, were transferred, by operation of law, to the Successor Agency pursuant to the terms of Health and Safety Code Section 34175 (b); and

WHEREAS, in connection with the winding down of the Agency, the City of Milpitas has undertaken to address the status of displays that were permitted, pursuant to the exemption in the Outdoor Advertising Act, to be located in areas that were designated as redevelopment areas; and

WHEREAS, on November 2, 1993, the City Council enacted Ordinance No. 192.8, which adopted the Redevelopment Plan for the Great Mall Redevelopment Project with a duration of 15 years from the November 2, 1993 adoption, which was November 2, 2008; and

WHEREAS, on October 16, 2001, the City Council enacted Ordinance No. 192.13, which added two non-contiguous areas (“Added Areas”) to that of the existing Milpitas Redevelopment Project Area No. 1; and

WHEREAS, pursuant to the exemption in the Outdoor Advertising Act, certain displays have been constructed and maintained on the Added Areas that advertise businesses in the Great Mall Redevelopment Area; and

WHEREAS, on October 3, 2006, the City Council enacted Ordinance 192.17, which extended the duration of the Great Mall Redevelopment Plan to 17 years from the November 2, 1993 adoption, which was November 2, 2010; and

WHEREAS, on May 5, 2009, the City Council enacted Ordinance 192.22, which extended the duration of the Great Mall Redevelopment Plan to 40 years from the November 2, 1993 adoption, which was November 2, 2033; and

WHEREAS, on November 29, 2006, the City Council enacted Ordinance No. 192.19, which merged the Great Mall Redevelopment Project with Milpitas Redevelopment Project Area No. 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas and the Board of the Successor Agency to the Milpitas Redevelopment Agency as follows:

1. Confirms that the Milpitas Redevelopment Agency and the City Council intended to, and did, provide that the Great Mall Redevelopment Plan spanned 40 years, from November 2, 1993 to November 2, 2033.
2. Acknowledges that displays were constructed, pursuant to the exemption in the Outdoor Advertising Act, in areas that were designated as redevelopment areas and ultimately included as part of the Great Mall Redevelopment Plan.
3. Confirms that the Added Areas (described in Ordinance No. 192.13), as part of the Great Mall Redevelopment Plan, are subject to a previously approved redevelopment exemption period of November 2,

1993 to November 2, 2033, and any displays located thereon should be allowed, under the permits issued by the California Department of Transportation, to remain in place until the expiration of that period.

PASSED AND ADOPTED this ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one: <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	100-3587	\$ 11,400	100-721-4223	\$ 11,400

Explain the reason for the budget change:

Background:
 The Association of Bay Area Governments (ABAG) Pooled Liability Assurance Network (PLAN) has granted the Milpitas Police Department funds to purchase equipment that will reduce liability exposures and assist in defending third party claims against the City of Milpitas. The remaining FY12-13 grant fund balance is \$11,400 and has a spending deadline of June 30, 2013. The Police Department wishes to use the grant monies to acquire Video / Audio Camera's Server Storage equipment.

There is no requirement for matching funds.

Fiscal Impact: None. The FY 12-13 Association of Bay Area Governments grant in the amount of \$11,400 will cover the proposed purchases.

Recommendation: Accept the ABAG PLAN grant and approve an appropriation in the amount up to \$11,400 into the Police Department's operating budget.

Check if City Council Approval required. Meeting Date: May 21, 2013

Requested by:	Armando Corpuz, Police Department	Date: May 2, 2013
Reviewed by:	Finance Director: <i>R. C. Karl</i>	Date: <i>5/6/13</i>
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by:

*4

City Clerk's Office

APR 23 2013

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form
for Non-Profit Organizations

RECEIVED

Complete this form and return it to Milpitas City Clerk

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: Sound of Hope Radio Network

Is there a Milpitas branch or affiliation? Working with Milpitas Chamber of Commerce

Mailing Address: 333 Kearny Street, 5th flr.
San Francisco, CA 94108

Contact Person: Cathy Zhang Telephone No. 408-483-6044

Email Address: cathy.zhang@schradio.org

What is your request? Donation Amount Requested \$2,000.00 OR

Fee Requested to be waived (type and \$ amount) _____

Event date(s): May 30th, 2013

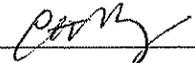
What is the purpose of the event? Please see attached.

How will the Milpitas community benefit from this event? Please see attached

What % of the fund raising proceeds will benefit Milpitas community? Please see attached

How will the City's contribution (if granted) be recognized in any publicity? Please see attached

Within 60 days after completion of the event for which a donation was received or a fee waiver/reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: 

Date: Apr. 20, 2013

Print Name & Title: Cathy Zhang, VP of Business Development

Appendix to “City of Milpitas Donation or Fee Waiver/Reduction Request Application Form for Non-Profit Organizations”

What’s the purpose of the event?

This event is called “Chinese and Asian American Small Business Symposium”, and its purpose is to facilitate understanding and knowledge of the governmental and non-profit resources for small business among Chinese and Asian community in Milpitas and Bay Area which they may not be aware of otherwise, and encourage them to get involved; to create a platform and provide such pragmatic resources to Milpitas and Bay Area Chinese American small business owners and potential business owners.

How will the Milpitas community benefit from this event?

We are anticipating 400 attendees and medias will be invited. So there will be a lot of media publicity before, during and after this event, it will not only help the small business owners from Milpitas with their business growth or startup, but will also put City of Milpitas on the map of the Bay Area as a leader in such efforts.

What % of the fund raising proceeds will benefit Milpitas community?

It is not a fund raising event, but rather a business event. The donation from the City will help keep the cost of Milpitas attendees low. It will bring people from Milpitas and Bay Area together, to experience the small business resources in the region, with a nominal admission fee to cover part of the cost of the event.

How will the City’s contribution (if granted) be recognized in any publicity?

We would like to work with the City of Milpitas, recognize the City as the partner of the event for this donation. The City logo will be included in all printing marketing materials, the City of Milpitas will be mentioned many times on air in event promotion and talk shows, and we will feature Mayor Jose Esteves or a representative of the City during the symposium. We’d also like to invite all the City Council Members to the event, and recognize them during the event.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **APR 29 2008**

Employer Identification Number:
72-1562499

DLN:
17053103710068

SOUND OF HOPE RADIO NETWORK INC
1010 CORPORATION WAY
PALO ALTO, CA 94303

Contact Person: SUSAN Y MALONEY ID# 31210

Contact Telephone Number:
(877) 829-5500

Public Charity Status:
170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated October, 2004, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

EXHIBIT A

CITY OF MILPITAS, CALIFORNIA
STANDARD OPERATING PROCEDURE

SUBJECT: CITY COUNCIL DONATION AND FEE WAIVER/REDUCTION POLICY

1. Purpose

The City of Milpitas recognizes the value of partnership with other agencies and organizations in providing services that benefit the community and its residents. To that end, the City may provide a donation or grant a reduction and/or waiver of fees to intergovernmental agencies or non-profit organizations that provide Milpitas community benefit.

2. Donation and Fee Waiver Budget

With each budget cycle, the City Council will establish an annual budget amount for donations or fee waivers/ reductions for unspecified community events. Except for extraordinary circumstances, donations and or fee waivers/reductions will not be granted once the budgeted amount has been expended.

3. Requirements

- a) Any requests for donation or fee waiver/reduction must be submitted in writing using the attached application form.
- b) Requests for donations or fee waivers/reductions will be considered by the City Council during a regularly scheduled meeting.
- c) To be eligible, the organization must be a non-profit organization as described by the Internal Revenue Section such as 501(c)(3) or an intergovernmental agency. In either case, only events that provide community benefit within the City of Milpitas shall be eligible. If fund raising is involved, the organization must demonstrate that at least 60% of fund raised will be of general benefit to the Milpitas community. The organization must be non-discriminatory, and non-political in nature, based in Milpitas or have a local affiliation within the City.
- d) If the request for donation or fee waiver/reduction is for a community event, the event must be advertised, open to the public and no entrance fee shall be charged for the event.
- e) Fee waivers/reductions only apply to services provided by the City during its regular course of business. Such fees may include rental fees for the City's facilities or equipment, building permit fees or fire permit fees. Any City staff overtime costs required due to the event cannot be waived.
- f) The City Council may grant donation or fee waiver/reduction to each organization once annually, regardless of how many branches or affiliations it may have in the City.
- g) The fee waiver/reduction amount is further subject to \$1,500 maximum annually and the donation amount is subject to \$500 maximum annually for each organization. A fee waiver/reduction request cannot be combined with a donation request.

- h) To the extent possible, the City's contribution should be recognized in the event fliers and/or advertising.
- i) Within 60 days after completion of the event in which a donation was received or a fee waiver/reduction was granted by the City, the organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.
- j) Failure to abide by the rules and procedures as set forth in this document will result in the organization being denied for funding and/or fee waiver/reduction in the future.

The City of Milpitas

*5

In recognition and honor of those whose visionary and dedication to the senior citizens of Milpitas helped to achieve the innovative design and amenities of the Barbara Lee Senior Center, which will be enjoyed by the Milpitas community for generations to come.

Members of the Senior Advisory Commission

James W. Burns (Lead Founder)

Bal Daquigan

Serafina Diaz

Carlos J. Fabregas

Steve Lu

Bakshish Kaur Sandhu

Albert Wang

Joanne Wood

Members of the Planning Subcommittee

James W. Burns (Lead Founder)

Bal Daquigan

Joyce M. Dovlet

Ben Espiritu

Carlos J. Fabregas

Steve Lu

Dr. L. Wayne Martin

Dr. Mercedes Martin

Art Swanson

Neola Swanson

Sura Weiner

Joanne Wood

Frances Woodworth

Jose Esteves - City Council Member Liaison



REGULAR

NUMBER: 38.808

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING TITLE XI, CHAPTER 10, SECTIONS 2, 5, 13, AND 53 OF THE MILPITAS ZONING ORDINANCE TO CONDITIONALLY ALLOW LIVE-WORK UNITS WITHIN THE TOWN CENTER ZONING DISTRICT, FURTHER DEFINE LIVE-WORK UNITS, INTRODUCE LIVE-WORK UNIT SPECIFICATIONS, AND ADD THE LIVE-WORK PARKING REQUIREMENTS

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of May 7, 2013, upon motion by Councilmember Giordano and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on March 19, 2013, an application was submitted by Doyle Heaton with DRG Builders Inc., 3480 Buskirk Avenue, Suite 260, Pleasant Hill, CA 94523, requesting to amend the text within the Zoning Ordinance to incorporate “live-work” units as a conditionally permitted use within the Town Center Zoning District, to introduce “live-work” specifications under Section 13 for Special Uses, and to further define “live-work” units in Section 2 for Definitions; and

WHEREAS, the Planning Commission recommended to the City Council to determine that the proposed zoning text amendment is exempt pursuant to Section 15061 of the CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment. The proposed Zoning Ordinance amendment includes a text change to Sections 2 (Definitions), 5 (Commercial Zones), 13 (Special Uses), and Section 53 (Parking) of the Municipal Code; and

WHEREAS, the Planning Commission, during its March 27, 2013 meeting, reviewed the applicant’s request to approve four live-work units at 375 Los Coches Boulevard and recommended a zoning text amendment to conditionally allow live-work units in the Town Center Zoning District; and

WHEREAS, the Planning Commission recommends that live-work units in the Town Center Zoning District will be compatible and complimentary; and

WHEREAS, on April 10, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and recommended approval of the text amendment; and

WHEREAS, the City Council finds the Zoning Ordinance text amendment to be consistent with the General Plan, and specifically guiding principles and policies 2.a-G-2, 2.a-g-3, 2.a-g-4, and 2.a-I-20, in that the addition of “live-work” units within the Town Center Zoning District provides a new type of housing and a compatible transition from single-family homes to commercial, cultural, and civic uses, and that the use will support the distinctive identity and image envisioned by the General Plan for the Town Center area; and

WHEREAS, the City Council finds the Zoning Ordinance text amendment will not adversely affect the public health, safety, and welfare in that the Town Center Zoning District and the addition of the “live-work” type of residential use will support both the residential and commercial/cultural/administrative/business type of uses allowed in the Town Center District; and

WHEREAS, the City Council finds that with the inclusion of the amendment to the Zoning Ordinance, the document will remain internally consistent.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title XI, Chapter 10, Section 2.03 (“Definitions”) of the Milpitas Municipal Code is hereby amended to change the definition of “live-work unit to read as follows:

“Live-Work Unit” means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant. Live-work uses allow one non-residential employee, more customers, and a broader range of uses than permitted in Home Occupations. See **XI-10-13.12 within Special Uses** for Live-Work Unit purpose, intent, and regulations.

Uses permitted or conditionally permitted within the underlining zoning district apply unless otherwise prohibited in Section 10-13.(E). Additional uses covered by this designation include, but are not limited to:

- Art and craft work;
- Office only use;
- Accountant;
- Architects;
- Artists and artisans;
- Attorneys;
- Computer software and multimedia related professionals;
- Engineers;
- Fashion;
- Interior and other designers; and
- Commercial Service

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title XI, Chapter 10, Section 5 (“Commercial Zones and Standards”), Table XI-10-5.02-1, 9. Residential Uses, of the Milpitas Municipal Code is hereby amended with the addition of “live-work” units as a conditionally permitted use within the Town Center Zoning District, which shall read as follows:

Use	CO	C1	C2	HS	TC
9. Residential Uses					
Live-Work Units	NP	NP	NP	NP	C

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title XI, Chapter 10, Section 13 (“Special Uses”) of the Milpitas Municipal Code is hereby amended with the addition of a new “live-work” units entry, to be placed at the end of the section, which shall read as follows:

13.12 Live-Work Units

- A. Purpose and Intent.** The purpose of this Section is to control and regulate land use activities for the live-work unit. The intent of a live-work unit is to allow small-scale business activities in residential uses which meet certain standards. No portion of the live-work unit may be separately occupied or sold. Live-work uses are allowed one non-residential employee, and a broader range of uses than permitted in Home Occupations, and therefore are subject to granting of a conditional use permit to ensure compatibility.
- B. Applicability.** This Section shall apply to existing and new residential development that includes live-work units.

C. Review Requirements. Live-work units shall require the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

D. Minimum Performance Standards

1. A business license and certificate of occupancy shall be obtained for every commercial space within the live-work units.
2. Living space shall occupy a minimum of 60% of the total gross floor area of the unit.
3. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to a residential use.
4. The residential component as designated on the floor plan approved through the conditional use permit shall remain residential and cannot be converted to commercial use.
5. The commercial component of a live-work unit shall be located on the first floor with the main entry facing the street or common pedestrian space. The residential unit shall have direct interior access to the commercial unit.
6. The residential unit shall provide additional exterior access to the main residential unit that is not through the commercial component.
7. Exterior Appearance: The commercial component of the live-work unit shall have a commercial, store front appearance located on the 1st floor of the home.
8. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage, or any accessory structure. Commercial outdoor storage use not permitted.
9. Shall demonstrate compliance with parking per Section 53 for required parking spaces.
10. Sign size, location, illumination and materials, shall be consistent with the architectural building design and approved through a master sign program.
11. Business shall not involve the use of hazardous materials or produce medical or hazardous waste, except those that are below permitted amounts in accordance with the California Fire Code and as amended by the Milpitas Municipal Code V-300-2.10.
12. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved use permit.
13. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Department of Environmental Health standards.
14. The commercial use shall not create external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.
15. Uses permitted or conditionally permitted within the underlining zoning district apply unless otherwise prohibited in Section 10-13.(E).

E. Prohibited Uses

1. Any use not permitted within the underlying zoning district is prohibited along with the following:
 - a. Adult-oriented businesses;
 - b. Astrology;
 - c. Palmistry;
 - d. Massage;
 - e. Sauna or spa;
 - f. Pharmacy or drug store
 - g. Head/smoke/tobacco shop;
 - h. Tattoo and piercing;
 - i. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
 - j. All vehicle related uses such as auto sales, repair, or maintenance of vehicles including boats, motorcycles, or recreational vehicles;
 - k. Places of assembly;
 - l. Group instruction;
 - m. Club or social organization;
 - n. Religious assembly;
 - o. Educational institutions;
 - p. Motion picture theaters; and
 - q. Sit down restaurants

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title IX, Chapter 10, Section 53, Table 53.09-1 (“Number of Parking Spaces Required”), is amended with the addition of a new row for live-work unit parking requirement, which shall read as follows:

I. Residential Uses	
<i>Live-Work Units</i>	<i>Single family and duplexes</i> parking requirements shall apply, plus 1.5 for the commercial component

SECTION 6. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 7. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING FINAL ACCEPTANCE OF CITY FACILITIES IMPROVEMENT “COMMUNITY CENTER HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) REPLACEMENT,” PROJECT NO. 8182/3406, AND RELEASE OF THE CONTRACTOR’S BOND

WHEREAS, certain improvements were installed by the City Facilities Improvement “Community Center Heating, Ventilation, and Air Conditioning (HVAC) Replacement,” Project No. 8182/3406, under and pursuant to the provisions of an improvement contract between the City of Milpitas, a municipal corporation of the State of California, and Hometown Construction, Inc.; and

WHEREAS, said contractor, as principal, and the Contractors Bonding and Insurance Company, as surety, executed a certain faithful performance bond conditioned upon the faithful performance of the provisions of said improvement contract and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said improvements were completed, finally inspected by the City Engineer of the City of Milpitas, and accepted; and

WHEREAS, a period of one year or more has expired after the date of said acceptance of said improvements; and

WHEREAS, the City Engineer has advised the City Council that said contractor has remedied, restored, repaired, or replaced at its sole expense and to the satisfaction of said City Engineer all defects, damages, or imperfections, if any there were, due to or arising from faulty materials or workmanship and appearing within said period of one year from the date of acceptance; and

WHEREAS, said City Engineer recommends to the City Council that said faithful performance bond be released.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does finally accept said improvements. That certain performance bond furnished by the above-named contractor, as principal, and the above-named surety in connection with those certain improvements for the above-designated project, is hereby released and discharged; provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations imposed upon the contractor or its surety, or sureties, by law or by the above-referenced improvement contract, save and except those obligations specifically mentioned herein.

PASSED AND ADOPTED this _____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM

Michael J. Ogaz, City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING FINAL ACCEPTANCE OF STREET RESURFACING 2011 & 2012 RANCH DRIVE,
PROJECTS NO. 4255 AND NO. 4261, AND RELEASE OF THE CONTRACTOR'S BOND**

WHEREAS, certain improvements were installed by the Street Resurfacing 2011 & 2012 Ranch Drive, Project No's. 4255 and 4261, under and pursuant to the provisions of an improvement contract between the City of Milpitas, a municipal corporation of the State of California, and Pavex Construction; and

WHEREAS, said contractor, as principal, and the Contractors Bonding and Insurance Company, as surety, executed a certain faithful performance bond conditioned upon the faithful performance of the provisions of said improvement contract and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said improvements were completed, finally inspected by the City Engineer of the City of Milpitas, and accepted; and

WHEREAS, a period of one year or more has expired after the date of said acceptance of said improvements; and

WHEREAS, the City Engineer has advised said City Council that said contractor has remedied, restored, repaired, or replaced at its sole expense and to the satisfaction of said City Engineer all defects, damages, or imperfections, if any there were, due to or arising from faulty materials or workmanship and appearing within said period of one year from the date of acceptance; and

WHEREAS, said City Engineer recommends to the City Council that said faithful performance bond be released.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does finally accept said improvements. That certain performance bond furnished by the above-named contractor, as principal, and the above-named surety in connection with those certain improvements for the above-designated project, is hereby released and discharged; provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations imposed upon the contractor or its surety, or sureties, by law or by the above-referenced improvement contract, save and except those obligations specifically mentioned herein.

PASSED AND ADOPTED this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM

Michael J. Ogaz, City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING THE ANNUAL ENGINEER'S REPORT, DECLARING INTENTION TO LEVY
ASSESSMENTS FOR FISCAL YEAR 2013-2014, AND PROVIDING NOTICE OF HEARING
FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1**

WHEREAS, on May 7, 2013, the City Council adopted Resolution No. 8254, "A Resolution Directing Preparation of the Annual Report for the City of Milpitas Landscaping and Lighting Maintenance Assessment District No. 95-1" (the "Maintenance District"). Pursuant to this Resolution, the Engineer of Work prepared a report in accordance with Section 22565, *et seq.*, of the California Streets and Highways Code (the "Report").

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The Engineer's Report has been made, filed with the City Clerk, and duly considered by this Council and is hereby deemed sufficient and approved. The report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing Resolution.

2. It is the intention of this Council to levy and collect assessments within the Maintenance District for fiscal year 2013-2014. Within the Maintenance District, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally as described on Exhibit "A" attached and by this reference made a part of this Resolution.

3. The Maintenance District consists of the lots and parcels shown on the boundary map of the Maintenance District on file with the City Clerk, and reference is hereby made to such map for further particulars.

4. Reference is hereby made to the Engineer's Report for a full and detailed description of the Improvements, the boundaries of the Maintenance District and the proposed assessments upon assessable lots and parcels of land within the Maintenance District. The assessment for fiscal year 2013-2014 is not proposed to increase, but is within the previously approved range of assessments and as increased by the application of annual Consumer Price Index (CPI) escalation as provided by the approved method of assessment.

5. This Council hereby orders that a public hearing shall be held before this Council in the regular meeting place thereof, City Council Chambers, 455 East Calaveras Boulevard, Milpitas California on Tuesday, June 4, 2013, at the hour of 7:00 p.m., or as soon thereafter as the matter can be heard, for the purpose of allowing public testimony regarding the proposed assessments for the Maintenance District and this Council's determination whether the public interest, convenience and necessity require improvements and this Council's final action upon the Engineer's Report and the assessments therein.

6. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds for objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

7. The City Clerk shall cause notice of the hearing to be given by publishing a copy of this Resolution once, at least ten (10) days prior to the date of the hearing above specified, in the Milpitas Post, a newspaper published and circulated in the Maintenance District.

PASSED AND ADOPTED by the City Council of the City of Milpitas this ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose Esteves, Mayor

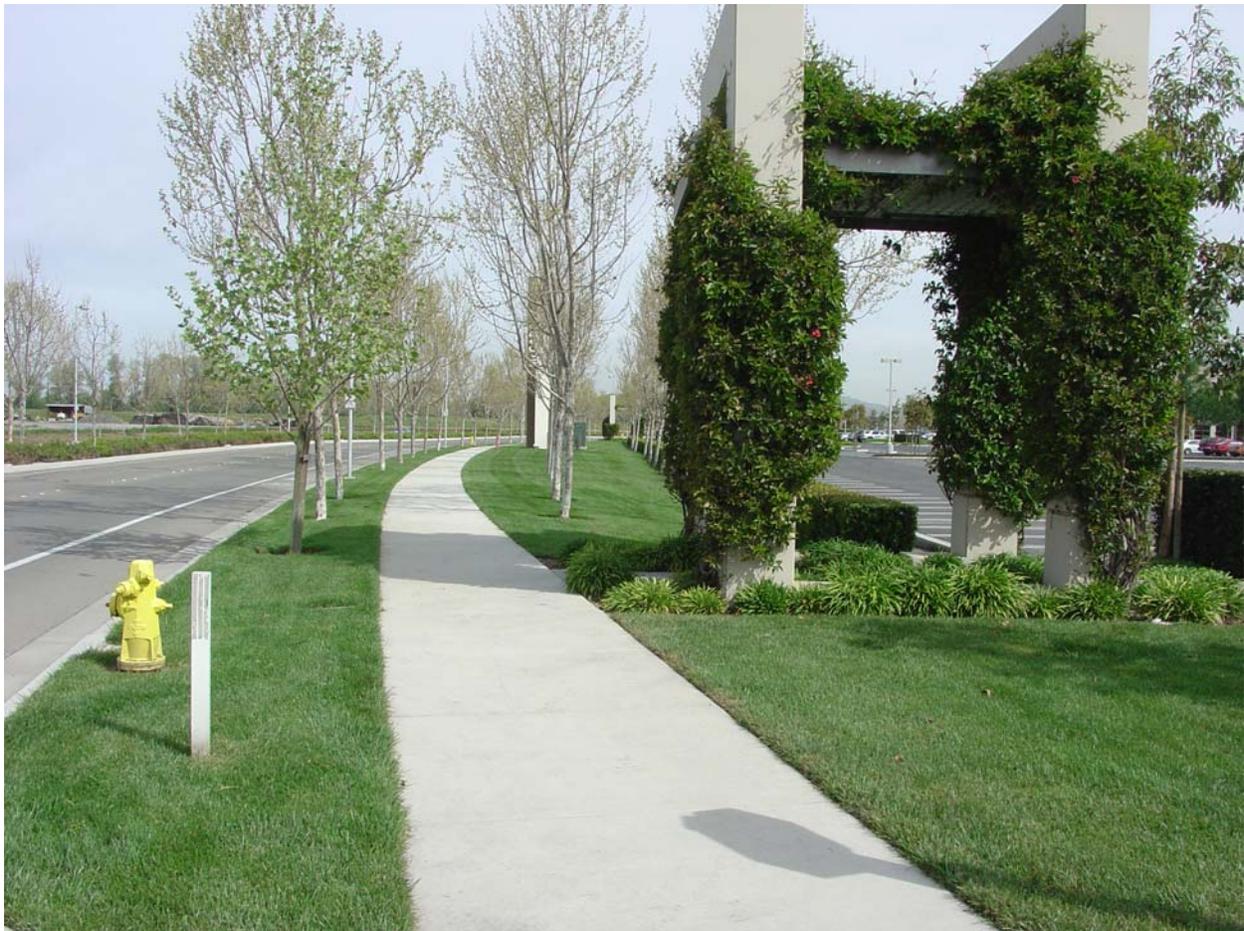
APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney



FISCAL YEAR 2013-2014 PROPOSED

ANNUAL ENGINEER'S REPORT LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1



**CITY OF MILPITAS
CALIFORNIA**

**CITY OF MILPITAS
SANTA CLARA COUNTY
CALIFORNIA**

**ANNUAL ENGINEER'S REPORT
FOR
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT
DISTRICT NO. 95-1**

FISCAL YEAR 2013-2014

Jose S. Esteves, Mayor

MEMBERS OF THE CITY COUNCIL

Jose S. Esteves, Mayor
Althea Polanski, Vice Mayor
Debbie Giordano, Council Member
Armando Gomez JR., Council Member
Carmen Montano, Council Member

Thomas C. Williams, City Manager
Michael J. Ogaz, City Attorney
Mary Lavelle, City Clerk

PREPARED BY:

Jeff C. Moneda P.E., Public Work Director/City Engineer
Steve Erickson P.E., CIP Manager
Design & Construction Section

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**ANNUAL ENGINEERS REPORT LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT 95-1**

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ANNUAL ENGINEER'S REPORT

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

Jeff C. Moneda, Engineer of Work for Landscaping and Lighting Maintenance Assessment District No. 95-1 (the "Maintenance Assessment District"), City of Milpitas, Santa Clara County, California, makes this report, as directed by the City Council, pursuant to Section 22585 of the Streets and Highways Code.

The improvements which are the subject of this report are briefly described on the attached Exhibit A.

This report consists of seven parts, as follows:

PART A- Plans and specifications for the improvements to be maintained and operated are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

PART B- An estimate of the cost of the improvement to be maintained or operated.

PART C- An assessment of the estimated cost of the improvement to be maintained or operated on each benefited parcel of land within the assessment district.

PART D - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

PART E- A list of the names and addresses of the owners of the real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk.

PART F - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to the Assessment Roll by assessment number.

PART G - A vicinity map showing the landscape areas.

Respectfully submitted,

Jeff C. Moneda, Engineer of Work
RCE No. 60944 Exp. 12/31/14

EXHIBIT A

DESCRIPTION OF WORK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

The Maintenance Assessment District is generally described as a district bounded on the east by Interstate 880, on the west by Coyote Creek, on the south by the State Route 237, and on the north by Dixon Landing Road as shown on the attached figure 1 and figure 2.

The improvements within the Maintenance Assessment District consist of the maintenance and installation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, pedestrian lighting and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; installation and maintenance of gateway columns and entry signs; such maintenance to include all necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof.

All such work shall be performed within the following areas:

N. McCarthy Boulevard

- 1) A strip of land including an earth berm approximately 50 feet in width from face of east curb line, from the southerly connection with Ranch Drive northerly 2,400 feet, more or less, to the northerly connection with Ranch Drive. A strip of land including a grass berm approximately 35 feet in width, west of the face of westerly curb, along the West Side of N. McCarthy Boulevard, from the southerly connection with Ranch Drive, northerly 2,400 feet, more or less. The initial phase includes a strip of land 6 feet wide on the west side of McCarthy Boulevard.
- 2) Commencing at a location approximately 2,400 feet north of State Route 237 thence proceeding north to the northern boundary of Lands of N. McCarthy, 7,800 feet more or less, a strip of land approximately 27 to 34 feet in width on each side along the east and west sides of McCarthy Boulevard between the northerly connection with Ranch Drive and Dixon Landing Road.
- 3) A median island from the southerly intersection with Ranch Drive northerly to the intersection with Dixon Landing Road.
- 4) Gateway Improvements, at the southerly intersection of N. McCarthy Boulevard and Ranch Drive and southerly of Bridge No 1 along N. McCarthy Boulevard, including curved stone planter walls, gateway columns with entry sign appurtenant mounding

ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans.

5) Lighting costs in the Maintenance Assessment District are limited to the supplemental pedestrian lights installed between each of the 2 street lights on the section of curved walkway located on the East Side of N. McCarthy Boulevard. The conventional lighting along McCarthy Boulevard is not included.

Milpitas Entry Sign

City of Milpitas Entry Identification Sign along N. McCarthy Blvd., including walls, columns, lighting and other appurtenant.

Ranch Drive

1) Commencing at a Northerly location where the right-of-way of Ranch Drive is contiguous with the right-of-way of Interstate 880, thence southerly, a strip of land approximately 10 feet in width measured from the east face of curb of Ranch Drive, from the northerly connection with Interstate 880 and Ranch Drive, southerly 630 feet, more or less, thence 405 feet south to the southerly end of Gateway location, varying in width from 10 feet to 132 feet, more or less.

2) Gateway Improvements, at the southerly connection of Ranch Drive and Interstate 880, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans (Part A), except the Shopping Center's Monument Sign.

PART A

Plans and specifications for the improvements to be maintained and operated are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

**LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 95-1
2013-2014 FISCAL YEAR
McCARTHY RANCH**

PART B- ANNUAL BUDGET

LANDSCAPING, LIGHTING & IRRIGATION	2012-2013 Budgeted	2013-2014 Proposed
A. Personnel Costs	\$ 20,000.00	\$ 36,000.00
B. Contractual Services	\$ 200,000.00	\$ 140,000.00
C. Capital Equipment	\$ -	\$ -
D. Supplies	\$ 6,700.00	\$ 1,400.00
E. Utilities (Water, Electricity) Costs	\$ 50,000.00	\$ 53,500.00
F. CIP		\$ 45,776.00
TOTAL ANNUAL EXPENDITURE	\$ 276,700.00	\$ 276,676.00
Prior Year Fund Balance	\$ 24.00	
TOTAL AMOUNT TO BE ASSESSED	\$ 276,676.00	\$ 276,676.00
Ending Fund Balance:	\$ -	\$ -

*** Need to maintain \$65,000 Reserve**

**LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 95-1
2013-2014 FISCAL YEAR**

PART C- ASSESSMENT ROLL

Assessment Diagram Number	Assessor's Parcel Number	2013-2014 Assessment
1-1A-1	022-54-016	\$1,082.62
1-1A-2	022-54-017	\$3,360.20
1-1A-3	022-54-018	\$2,359.28
1-1A-4	022-54-019	\$194.10
1-1B	022-54-008	\$796.64
1-2	022-54-002	\$592.40
1-3	022-54-003	\$1,041.70
1-4A	022-54-009	\$8,650.70
1-4B	022-54-012	\$3,084.40
1-4C	022-54-013	\$234.90
1-4D	022-54-015	\$1,817.98
1-4E	022-54-014	\$653.66
1-4F	022-54-011	\$1,337.90
1-4G	022-54-010	\$1,051.98
2-1	022-53-001	\$766.00
2-2	022-53-002	\$1,256.24
2-3	022-53-003	\$776.22
2-4	022-53-004	\$612.80
2-5	022-53-005	\$755.80
2-6	022-53-006	\$1,215.40
2-7	022-53-007	\$22,387.60
3	022-29-016	\$14,870.64
4-1A-1	022-56-005	\$2,073.30
4-1A-2	022-56-006	\$2,103.90
4-1A-3	022-56-007	\$2,114.16
4-1A-4	022-56-008	\$35,256.50
4-1A-5	022-56-009	\$24,839.00
4-1B	022-29-037	\$0.00
5-1A-1	022-29-034	\$37,442.10
5-2A-1	022-29-035	\$31,804.38
5-3A	022-29-036	\$35,756.90
5-3B-1	022-30-037	\$9,386.10
5-3B-2	022-30-038	\$10,213.40
5-3B-3	022-30-039	\$5,331.40
5-3C (Storm Pump Station)	022-30-035	\$95.84
5-5A	022-30-048	\$9,539.30
5-6 (Open Space)	022-30-041	\$0.00
5-7 (Sewer Pump Station)	022-30-049	\$1,821.00

PART D
METHOD OF ASSESSMENT
LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 95-1

The special benefits that accrue to the properties in the Maintenance Assessment District are limited to those properties that abut an improved public street or which have been obligated by issuance of bonds for necessary public improvements (the "Improved Parcels"). Other properties in the Maintenance Assessment District receive only a general benefit from the work of improvements, and there is also some general benefit that accrues to the community as a whole. The total amount of general benefit from the improvements is determined to be less than 10% of the total cost thereof, and the annual cost attributable to general benefit is therefore less on a present value basis than the amount of the contribution to total costs made by the City of Milpitas in fiscal year 2001-2002. Accordingly, no property within the Maintenance Assessment District is assessed more than the proportionate special benefit conferred on that property.

The Improved Parcels receive a special benefit proportionate to their net acreage and thus they are assessed on the basis of total net acreage for all costs associated with the maintenance and installation of the Maintenance Assessment District improvements including incidentals, Engineer's Report, printing and advertising of assessment notices, County collection fees, legal fees and appurtenances with the following exceptions:

1. Parcel 5-7 (Sewer Main Pump Station) and Parcel 5-3C (Storm Pump Station) do not benefit from landscaping as much as other Improved Parcels because they are dedicated to municipal sanitary sewer and storm facilities use and will not be otherwise developed. Therefore, they are assigned a special benefit equal to 50% of the benefit accruing to other Improved Parcels.
2. Parcel 4-1B and parcel 5-6 are dedicated to open space and therefore, they do not receive any special benefit from the improvements, but rather they provide a special benefit.

The amount of assessment levied on each Improved Parcel in the maintenance Assessment District shall be in a range from \$.012 per net square foot to .03 per net square foot, with the exact amount to be levied in any given year to be determined by the budget for that year. \$0.012 to \$0.03 per net square foot are the amounts of the range of assessments for fiscal year 2001-2002, and these amounts shall be increased in subsequent years by the percentage increase from April 1st of the prior year to April 1st of the current year in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and U.S. City Average, San Francisco-Oakland-San Jose.

The assessment per net square foot in fiscal year 2000-2001 was \$0.017. The range of assessments being levied in fiscal year 2001-2002, which could result in the Maximum

Assessment shown below (which do not include CPI adjustment) represents an increase in the assessments.

RANGE OF ASSESSMENT

Assessment Diagram Number	Assessor's Parcel Number	Assessment Range	
		2001-2002 Assessment	Maximum * Assessment
1-1A-1	022-54-016	\$586.62	\$1,400.84
1-1A-2	022-54-017	\$1,808.28	\$4,318.16
1-1A-3	022-54-018	\$1,268.99	\$3,030.33
1-1A-4	022-54-019	\$107.31	\$256.25
1-1B	022-54-008	\$430.33	\$1,027.63
1-2	022-54-002	\$319.72	\$763.50
1-3	022-54-003	\$561.86	\$1,341.70
1-4A	022-54-009	\$4,660.49	\$11,129.17
1-4B	022-54-012	\$1,660.80	\$3,965.98
1-4C	022-54-013	\$128.22	\$306.19
1-4D	022-54-015	\$980.08	\$2,340.42
1-4E	022-54-014	\$350.54	\$837.09
1-4F	022-54-011	\$564.06	\$1,714.91
1-4G	022-54-010	\$718.14	\$1,346.96
2-1	022-53-001	\$414.38	\$989.52
2-2	022-53-002	\$679.07	\$1,621.61
2-3	022-53-003	\$416.58	\$994.78
2-4	022-53-004	\$331.28	\$791.09
2-5	022-53-005	\$408.32	\$975.07
2-6	022-53-006	\$653.76	\$1,561.16
2-7	022-53-007	\$12,060.91	\$28,801.29
3	022-29-016	\$8,011.81	\$19,132.09
4-1A	022-56-004	\$35,769.46	\$85,416.97
4-1B (Open Space)	022-29-033	\$0.00	\$0.00
5-1A-1	022-29-031	\$23,112.57	\$55,192.50
5-2A-1	022-29-032	\$14,197.72	\$33,903.97
5-3A	022-29-033	\$19,265.98	\$46,006.89
5-3B	022-30-032	\$13,432.81	\$32,077.36
5-3C(Storm Pump Station)	022-30-035	\$51.64	\$123.31
5-5A	022-30-048	\$5,139.80	\$12,273.76
5-6 (Open Space)	022-30-034	\$0.00	\$0.00
5-7 (Sewer Pump Station)	022-30-049	\$981.13	\$2,342.94
TOTAL		\$149,072.66	\$355,983.42

* Does not include CPI adjustment

Any property owner who feels that the amount of their assessment is in error as a result of incorrect information being used to apply the foregoing method of spread, may file an appeal with the Finance Director of the City. Any such appeal is limited to correction of an assessment during the current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Finance Director shall promptly review the information provided by the property owner and if he/she finds that the assessment should be modified, he/she shall have the authority to make the appropriate changes in the assessment roll. If any such changes are provided after the assessment roll has been filed with the County for collection, the Finance Director is authorized to refund to the property owner the amount of any approved reduction.

**LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 95-1
2013-2014 FISCAL YEAR**

PART E- PROPERTY OWNERSHIP LIST			
ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER	NET ASSESSABLE AREA (acres)
1-1A-1	022-54-016	Houret Robert J Trustee & ET AL 5570 Sanchez Dr San Jose, CA 95123	1.06
1-1A-2	022-54-017	Apple 6 Hospitality Ownership Inc. 814 E MAIN ST RICHMOND, VA 23219	3.29
1-1A-3	022-54-018	LL Milpitas, LP 125 E SIR FRANCIS DRK STE 200 LARKSPUR CA 94939	2.31
1-1A-4	022-54-019	In-N-Out Burgers 13502 Hamburger Ln Baldwin Park, CA 91706	0.19
1-1B	022-54-008	In-N-Out Burgers 4199 Campus Dr Unit 9th FL Irvine, CA 92612-2698	0.78
1-2	022-54-002	First Creekside Assoc. P. O. BOX 835 Grafton, WI 53024	0.58
1-3	022-54-003	LOO YUK LUN TRUSTEE & ET AL 999 W TAYLOR ST STE D SAN JOSE, CA 95126	1.02
1-4A	022-54-009	McCARTHY SHOPPING CTR LP 100 SMITH RANCH RD STE 325 SAN RAFAEL, CA 94903	8.47
1-4B	022-54-012	F & M Sorci Land Company, Inc.	3.02
1-4C	022-54-013	333 W El Camino Real Ste 240 Sunnyvale, CA 94087-1969	0.23
1-4D	022-54-015	Pacific Meritage, LLC P.O.Box 1547 San Ramon, CA 94583-6547	1.78

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER	NET ASSESSABLE AREA (acres)
1-4E	022-54-014	J N C International Entprs LLC 1080 HIAWATHA CT Fremont, CA 94539	0.64
1-4F	022-54-011	First Creekside Assoc. P. O. BOX 835 Grafton, WI 53024	1.31
1-4G	022-54-010	KMV PROPERTIES LLC 2 Carnoustie Moraga, CA 94556	1.03
2-1	022-53-001	HAM JAYNE Y 11713 Dorothy Anne Way Cupertino, CA 95014	0.75
2-2	022-53-002	TMS MCCARTHY LP	1.23
2-3	022-53-003	260 CALIFORNIA ST FLR 4TH SAN FRANCISCO, CA 94111	0.76
2-4	022-53-004	HSC Associates LP 251 RANCH DR MILPITAS CA 95035	0.60
2-5	022-53-005	HSC Associates LP 690 Gibraltar Dr Milpitas, CA 95035-6317	0.74
2-6	022-53-006	TMS MCCARTHY LP	1.19
2-7	022-53-007	260 CALIFORNIA ST FLR 4TH SAN FRANCISCO, CA 94111	21.92
3	022-29-016	Walmart Stores, Inc. PO BOX 8050 BENTONVILLE AR 72712	14.56
4-1A-1	022-56-005	BRE/MILPITAS LLC	2.03
4-1A-2	022-56-006	P O BOX A3879	2.06
4-1A-3	022-56-007	CHICAGO IL 60690-3879	2.07
4-1A-4	022-56-008		34.52
4-1A-5	022-56-009		24.32
4-1B	022-29-037	City of San Jose 200 E SANTA CLARA ST SAN JOSE, CA 95113	6

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER	NET ASSESSABLE AREA (acres)
5-1A-1	022-29-034	CALIFORNIA DIVERSIFIED LLC	36.66
5-2A-1	022-29-035	550 NEWPORT CENTER DR NEWPORT BEACH CA 92660	31.14
5-3A	022-29-036	McCarthy Ranch LP	35.01
5-3B-1	022-30-037	15425 LOS GATOS BL UNIT 102 LOS GATOS CA 95032	9.19
5-3B-2	022-30-038	New Trend Tech Inc. 680 N McCarthy Blvd Milpitas, CA 95035	10
5-3B-3	022-30-039	McCarthy Ranch LP 15425 LOS GATOS BL UNIT 102 LOS GATOS CA 95032	5.22
5-3C	022-30-035	City of Milpitas 455 E. Calaveras Blvd. Milpitas, CA 95035	0.19
5-5A	022-30-048	McCarthy Ranch LP 15425 LOS GATOS BL UNIT 102 LOS GATOS CA 95032	9.34
5-6	022-30-041	City of Milpitas 455 E. Calaveras Blvd. Milpitas, CA 95035	1.43
5-7	022-30-049	City of Milpitas 455 E. Calaveras Blvd. Milpitas, CA 95035	9.16
TOTAL			285.8

**ENGINEER'S REPORT
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. 95-1
FISCAL YEAR 2013-2014**

CERTIFICATES

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Diagram thereto attached was filed with me on the 21st day of May, 2013.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in the Engineer's Estimate on Part B hereof entitled "assessment", and the individual amounts of the Assessment Roll on Part C herein, have been computed by me in accordance with the order of the City Council of the City of Milpitas, adopted on the 7th day of May, 2013.

Jeff C. Moneda, Engineer of Work
By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, were approved and confirmed by the City Council of the City of Milpitas, Santa Clara County, California, on the 4th day of June, 2013, by Resolution No. _ ____.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____

I HEREBY CERTIFY that the Assessment and Assessment Diagram, was filed with the County Auditor of the County of Santa Clara, on the 1st day of July, 2013.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____

An assessment was levied by the City Council of the City of Milpitas, County of Santa Clara, State of California on the lots, pieces and parcels of land shown on this assessment diagram. Said assessment was levied on the 4th day of June 2018; said assessment diagram and the assessment roll were recorded in the Office of the Superintendent of Streets of said City on the 4th day of June 2018. Reference is made to the assessment roll recorded in the Office of the Superintendent of Streets for the exact amount of each assessment levied against each parcel of land shown on this assessment diagram.

Filed in the Office of the City Clerk of the City of Milpitas, County of Santa Clara, State of California this 4th day of May, 2018.

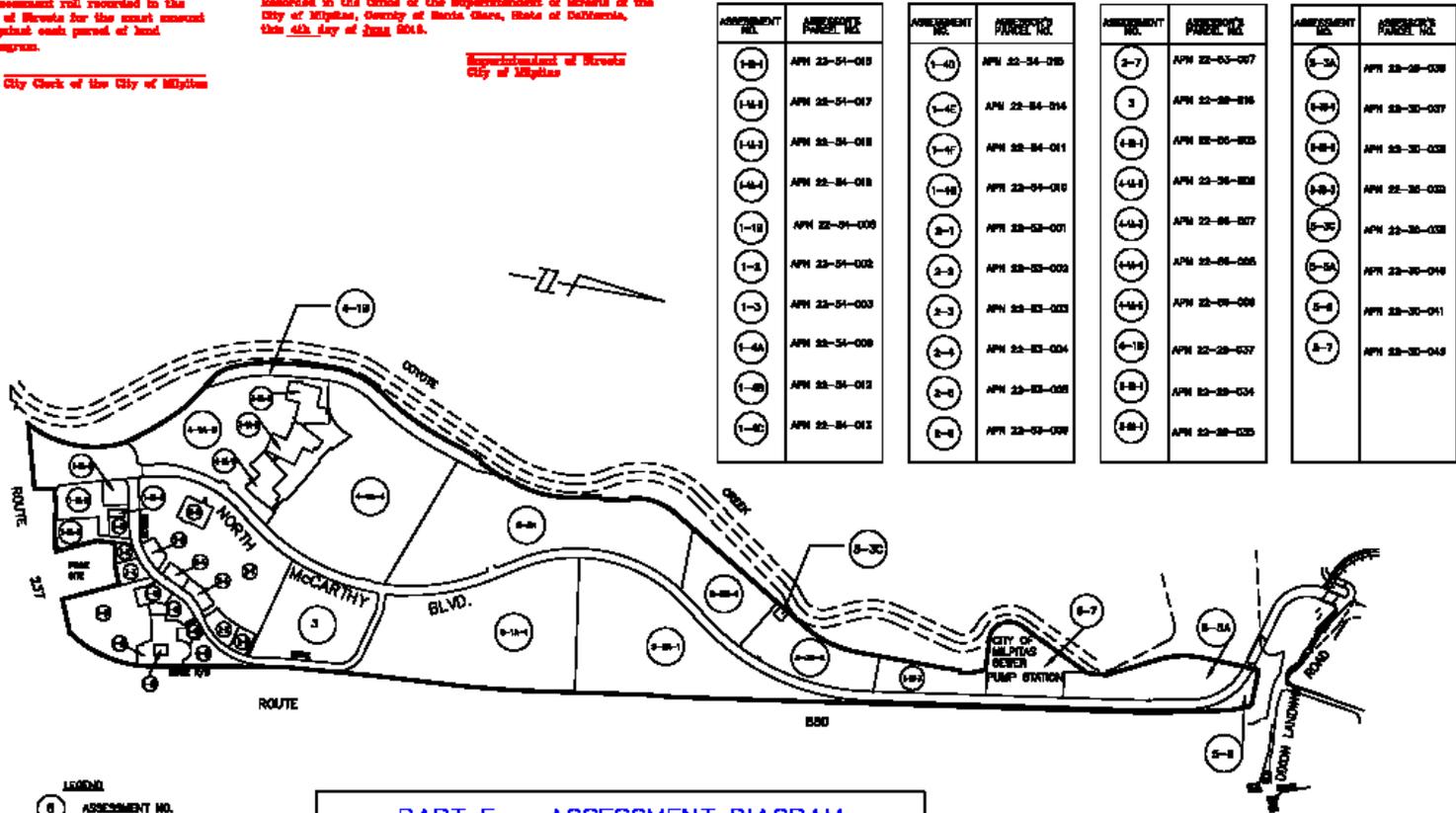
City Clerk of the City of Milpitas

Recorded in the Office of the Superintendent of Streets of the City of Milpitas, County of Santa Clara, State of California, this 4th day of June 2018.

Superintendent of Streets
City of Milpitas

City Clerk of the City of Milpitas

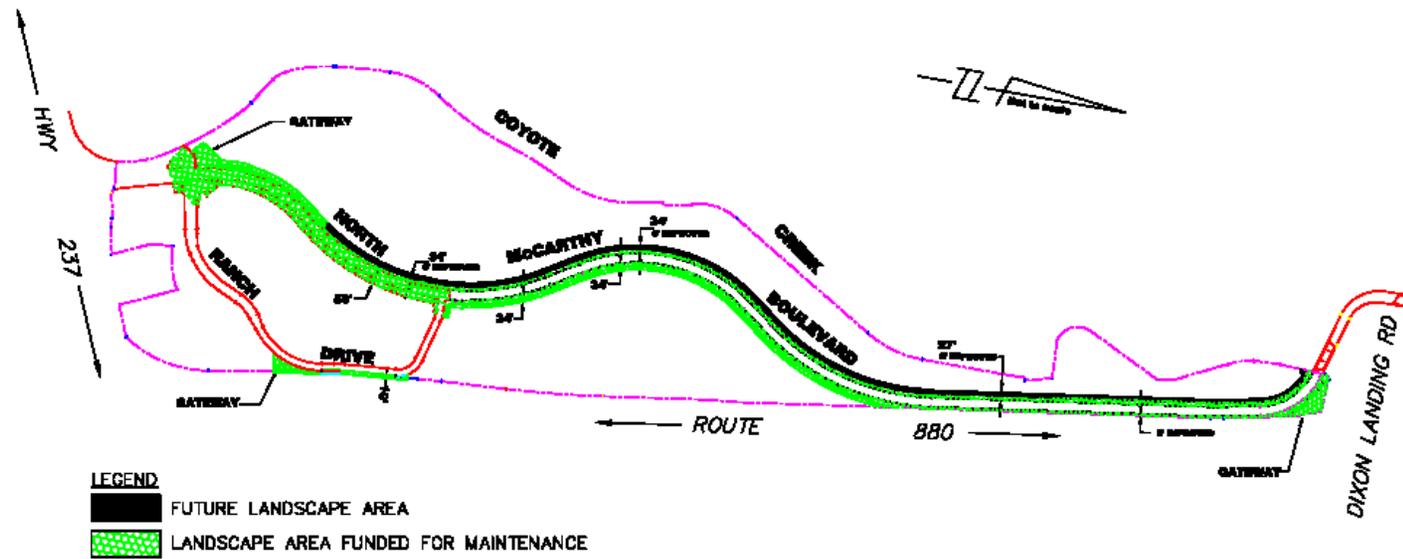
Figure 1



PART F – ASSESSMENT DIAGRAM
LANDSCAPING & LIGHTING & MAINTENANCE
ASSESSMENT DISTRICT NO. 95-1
 OF
CITY OF MILPITAS
 COUNTY OF SANTA CLARA – STATE OF CALIFORNIA

Note:
 Reference is hereby made to the maps and deeds of record in the Office of the Assessor of the County of Santa Clara for a detailed description of the lines and dimensions of acreage shown herein. These maps shall govern for all details concerning the true dimensions of such parcels. Each parcel is identified in said maps by its distinctive Assessor's Parcel Number.

Figure 2



McCarthy Ranch

PART G – VICINITY MAP
LANDSCAPING & LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 95-1
CITY OF MILPITAS
COUNTY OF SANTA CLARA –STATE OF CALIFORNIA



RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING THE ANNUAL ENGINEER'S REPORT, DECLARING INTENTION TO LEVY
ASSESSMENTS FOR FISCAL YEAR 2013-2014, AND PROVIDING NOTICE OF HEARING FOR
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1**

WHEREAS, on May 7, 2013, this Council adopted Resolution No. 8255, “A Resolution Directing Preparation of the Annual Report for the City of Milpitas Landscaping and Lighting Maintenance Assessment District No. 98-1” (the “Maintenance District”). Pursuant to this Resolution, the Engineer of Work prepared a report in accordance with Section 22565, *et seq.*, of the California Streets and Highways Code (the “Report”).

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The Engineer’s Report has been made, filed with the City Clerk, and duly considered by this Council and is hereby deemed sufficient and approved. The report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

2 It is the intention of this Council to levy and collect assessments within the Maintenance District for fiscal year 2013-2014. Within the Maintenance District, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally as described on Exhibit “A” attached and by this reference made a part of this Resolution.

3. The Maintenance District consists of the lots and parcels shown on the boundary map of the Maintenance District on file with the City Clerk, and reference is hereby made to such map for further particulars.

4. Reference is hereby made to the Engineer’s Report for a full and detailed description of the Improvements, the boundaries of the Maintenance District and the proposed assessments upon assessable lots and parcels of land within the Maintenance District. The assessment for fiscal year 2013-2014 is not proposed to increase, but is within the previously approved range of assessments and as increased by the application of annual Consumer Price Index (CPI) escalation as provided by the approved method of assessment.

5. This Council hereby orders that a public hearing shall be held before this Council in the regular meeting place thereof, City Council Chambers, 455 East Calaveras Boulevard, Milpitas California on Tuesday, June 4, 2013, at the hour of 7:00 p.m., or as soon thereafter as the matter can be heard, for the purpose of allowing public testimony regarding the proposed assessments for the Maintenance District and this Council’s determination whether the public interest, convenience and necessity require improvements and this Council’s final action upon the Engineer’s Report and the assessments therein.

6. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds for objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

7. The City Clerk shall cause notice of the hearing to be given by publishing a copy of this Resolution once, at least ten (10) days prior to the date of the hearing above specified, in the Milpitas Post, a newspaper published and circulated in the Maintenance District.

PASSED AND ADOPTED by the City Council of the City of Milpitas this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney



FISCAL YEAR 2013-2014 PROPOSED

ANNUAL ENGINEER'S REPORT LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1



**CITY OF MILPITAS
CALIFORNIA**

**CITY OF MILPITAS
SANTA CLARA COUNTY
CALIFORNIA**

**ANNUAL ENGINEER'S REPORT
FOR
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT
DISTRICT NO. 98-1**

FISCAL YEAR 2013-2014

Jose S. Esteves, Mayor

MEMBERS OF THE CITY COUNCIL

Jose S. Esteves, Mayor
Althea Polanski, Vice Mayor
Debbie Giordano, Council Member
Armando Gomez JR., Council Member
Carmen Montano, Council Member

Thomas C. Williams, City Manager
Michael J. Ogaz, City Attorney
Mary Lavelle, City Clerk

Prepared by:

Jeff C. Moneda P.E., Public Work Director/City Engineer
Steve Erickson P.E., CIP Manager
Design & Construction Section

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ASSESSMENT DISTRICT 98-1**

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ANNUAL ENGINEER'S REPORT

**LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT
DISTRICT NO. 98-1**

Jeff C. Moneda, Engineer of Work for Landscaping and Lighting Maintenance Assessment District No. 98-1, City of Milpitas, Santa Clara County, California, makes this report, as directed by the City Council, pursuant to Section 22585 of the Streets and Highways Code.

The improvements which are the subject of this report are briefly described on the attached Exhibit A.

This report consists of seven parts, as follows:

PART A- Plans and specifications for the improvements to be maintained and operated are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

PART B- An estimate of the cost of the improvement to be maintained or operated.

PART C- An assessment of the estimated cost of the improvement to be maintained or operated on each benefited parcel of land within the assessment district.

PART D- A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

PART E- A list of the names and addresses of the owners of the real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk.

PART F- A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to the Assessment Roll by assessment number.

PART G- A vicinity map showing the landscape areas.

Respectfully submitted,

Jeff C. Moneda, Engineer of Work
RCE No. 60944 Exp. 12/31/14

EXHIBIT A

DESCRIPTION OF WORK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1 is generally described as a district bounded on the east side by the existing Sinclair Frontage Road, on the west by Berryessa Creek, on the south by the existing commercial development, and on the north by Los Coches Street as shown on the attached figure 1 and figure 2..

Maintenance and operation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including asphalt concrete jogging paths, planter walls, grass berms, and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof.

All additions, improvements and enlargements thereto which may hereafter be made on the following described work:

Berryessa Creek

A strip of land approximately 510 feet long varying in width from 35 feet to 60 feet along the east bank of Berryessa Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment. Planting and irrigation.

Los Coches Creek:

1. A strip of land 812 feet long, 14 feet in width along the south bank of Los Coches Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting and irrigation.
2. A strip of land 5.5 feet wide within the Los Coches Street right-of-way between the back of sidewalk and the right-of-way line along the south side of Los Coches Street between Berryessa Creek and Sinclair Frontage Road. The improvements include planting and irrigation.

Sinclair Frontage Road

1. A strip of land approximately 550 feet long, varying in width from 5.5 feet to 25 feet along the west side of Sinclair Frontage Road, except at the intersection of Cameron Place, between the back of sidewalk and the soundwall. The improvements include planting and irrigation.
2. A parcel on the east side of Sinclair Frontage Road within the Sinclair Frontage Road and Los Coches Street right-of-way, bounded on the east side by the Interstate 680, on the southwest side by the back of sidewalk and on the north side by the Los Coches Street right-of-way line. The improvements include planting and irrigation.

PART A

Plans and specifications for the improvements to be maintained and operated are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 98-1
2013-2014 FISCAL YEAR
SINCLAIR HORIZON

PART B- ANNUAL BUDGET

LANDSCAPING, LIGHTING & IRRIGATION	2012-2013 Budgeted	2013-2014 Proposed
A. Personnel Costs	\$ 25,400.00	\$ 3,100.00
B. Contractual Services	\$ 10,000.00	\$ 5,600.00
C. Capital Equipment	\$ -	\$ -
D. Supplies	\$ 2,700.00	\$ 1,400.00
E. Utilites (Water, Electricity) Costs	\$ 7,000.00	\$ 13,200.00
F. CIP	\$ -	\$ 13,291.00
TOTAL PROJECT ANNUAL COST	\$ 45,100.00	\$ 36,591.00
Prior Year Fund Balance	\$ 8,508.76	\$ -
TOTAL AMOUNT TO BE ASSESSED	\$ 36,591.24	\$ 36,591.00
Ending Fund Balance	\$ -	\$ -

*** Required to maintain \$17,600 Reserve**

**LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 98-1
2013-2014 FISCAL YEAR
SINCLAIR HORIZON**

PART C- ASSESSMENT ROLL

Assessment Diagram No.	Assessor's Parcel No.	Assessment
1	086-48-001	\$373.38
2	086-48-002	\$373.38
3	086-48-003	\$373.38
4	086-48-004	\$373.38
5	086-48-005	\$373.38
6	086-48-006	\$373.38
7	086-48-007	\$373.38
8	086-48-008	\$373.38
9	086-48-009	\$373.38
10	086-48-010	\$373.38
11	086-48-011	\$373.38
12	086-48-012	\$373.38
13	086-48-013	\$373.38
14	086-48-014	\$373.38
15	086-48-015	\$373.38
16	086-48-016	\$373.38
17	086-48-017	\$373.38
18	086-48-018	\$373.38
19	086-48-019	\$373.38
20	086-48-020	\$373.38
21	086-48-021	\$373.38
22	086-48-022	\$373.38
23	086-48-023	\$373.38
24	086-48-024	\$373.38
25	086-48-025	\$373.38
26	086-48-026	\$373.38
27	086-48-027	\$373.38
28	086-48-028	\$373.38
29	086-48-029	\$373.38
30	086-48-030	\$373.38
31	086-48-031	\$373.38
32	086-48-032	\$373.38
33	086-48-033	\$373.38

Assessment Diagram No.	Assessor's Parcel No.	Assessment
34	086-48-034	\$373.38
35	086-48-035	\$373.38
36	086-48-036	\$373.38
37	086-48-037	\$373.38
38	086-48-038	\$373.38
39	086-48-039	\$373.38
40	086-48-040	\$373.38
41	086-48-041	\$373.38
42	086-48-042	\$373.38
43	086-48-043	\$373.38
44	086-48-044	\$373.38
45	086-48-045	\$373.38
46	086-48-046	\$373.38
47	086-48-047	\$373.38
48	086-48-048	\$373.38
49	086-48-049	\$373.38
50	086-48-050	\$373.38
51	086-48-051	\$373.38
52	086-48-052	\$373.38
53	086-48-053	\$373.38
54	086-48-054	\$373.38
55	086-48-055	\$373.38
56	086-48-056	\$373.38
57	086-48-057	\$373.38
58	086-48-058	\$373.38
59	086-48-059	\$373.38
60	086-48-060	\$373.38
61	086-48-061	\$373.38
62	086-48-062	\$373.38
63	086-48-063	\$373.38
64	086-48-064	\$373.38
65	086-48-065	\$373.38
66	086-48-066	\$373.38
67	086-48-067	\$373.38
68	086-48-068	\$373.38
69	086-48-069	\$373.38
70	086-48-070	\$373.38
71	086-48-071	\$373.38
72	086-48-072	\$373.38
73	086-48-073	\$373.38
74	086-48-074	\$373.38
75	086-48-075	\$309.48
76	086-48-076	\$309.48

Assessment Diagram No.	Assessor's Parcel No.	Assessment
75	086-48-075	\$373.38
76	086-48-076	\$373.38
77	086-48-077	\$373.38
78	086-48-078	\$373.38
79	086-48-079	\$373.38
80	086-48-080	\$373.38
81	086-48-081	\$373.38
82	086-48-082	\$373.38
83	086-48-083	\$373.38
84	086-48-084	\$373.38
85	086-48-085	\$373.38
86	086-48-086	\$373.38
87	086-48-087	\$373.38
88	086-48-088	\$373.38
89	086-48-089	\$373.38
90	086-48-090	\$373.38
91	086-48-091	\$373.38
92	086-48-092	\$373.38
93	086-48-093	\$373.38
94	086-48-094	\$373.38
95	086-48-095	\$373.38
96	086-48-096	\$373.38
97	086-48-097	\$373.38
98	086-48-098	\$373.38
Total		\$36,591.24

PART D
METHOD OF ASSESSMENT
LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 98-1

All parcels in the District on which residential dwelling will be constructed specially benefit from the improvements to an equivalent extent. These parcels are therefore assessed on a per lot basis for the maintenance and operation of the Landscaping and Lighting Maintenance assessment District No. 98-1, including incidentals and appurtenances, and shall include all the costs of maintenance and/or operating the improvements.

Due to the location of the improvements within the District and the relative geographic isolation of the district within the City, the general benefit derived from the improvements is minimal and is determined to be less than 10% of the total benefit resulting therefrom. The current owner of all of the parcels within the District made a one time cash contribution in the amount of \$31,252.00, the value of which over time will exceed the proportional general benefit resulting from the improvements.

The Assessments shown in this Engineer's Report are the amount for Fiscal Year 2002-2003. These amounts shall increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and U.S. City Average, San Francisco-Oakland-San Jose from April 1, 1998 to April 1 of the year following the year of assessment.

Any properly owner who feels that the amount of their assessment is in error as a result of incorrect information being used to apply the foregoing method of spread, may file an appeal with the Finance Director of the City. Any such appeal is limited to correction of an assessment during the then current year or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Finance Director shall promptly review the information provided by the property owner and if he finds that the assessment should be modified, he shall have the authority to make appropriate changes in the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Finance Director is authorized to refund to the property owner the amount of any approved reduction.

**LMD 98-1
2013-2014 FISCAL YEAR
SINCLAIR HORIZON**

PART E- PROPERTY OWNERSHIP LIST

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
1	86-48-001	HUYNH CONNIE C AND NGUYEN HUNG 872 CAMERON CL MILPITAS, CA 95035
2	86-48-002	DAM MIKE MINH CHI AND JAMIE LO TRUSTEE 868 CAMERON CIR MILPITAS, CA 95035
3	86-48-003	SANTIAGO SIMON AND RACHEL 864 CAMERON CL MILPITAS, CA 95035
4	86-48-004	GDK ENTERPRISE LLC 670 SAN ANTONIO RD UNIT 15 PALO ALTO, CA 94306
5	86-48-005	NOGUERA ALEX D AND GUTIERREZ-NOGUERA MARLI 856 CAMERON CL MILPITAS, CA 95035
6	86-48-006	KEMPIS BENJAMIN S AND EVANGELINE Q TRUSTEE 1836 Morrile Ave San Jose, CA 95132
7	86-48-007	SHILEDAR ADITYA AND BADHE PRIYA P 848 CAMERON CL MILPITAS, CA 95035
8	86-48-008	HAU CHARLIE W AND HAN TRACY 10367 BYRNE AVE CUPERTINO, CA 95014-2811
9	86-48-009	LAM TUAN AND NGUYEN YEN N 840 CAMERON CL MILPITAS, CA 95035
10	86-48-010	VU JOSEPH ANH AND TRAN YENLINH T 561 SHELLEY CT MILPITAS, CA 95035

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
11	86-48-011	GUTIERREZ ALEJANDRO J AND SOLITA A 832 CAMERON CL MILPITAS, CA 95035
12	86-48-012	ECAL ERLINDA E AND GEORGE E 828 CAMERON CL MILPITAS, CA 95035
13	86-48-013	DELA CRUZ DALE E AND JEANETTE M 824 CAMERON CL MILPITAS, CA 95035
14	86-48-014	RAMOS DIEGO AND SANDY 820 CAMERON CL MILPITAS, CA 95035
15	86-48-015	NGUYEN TUNG AND LAC V 816 CAMERON CL MILPITAS, CA 95035
16	86-48-016	LADLE GORDON B AND MARICAR C 812 CAMERON CL MILPITAS, CA 95035
17	86-48-017	JACKSON PAUL K AND BRITTON-JACKSON VIVIAN 808 CAMERON CL MILPITAS, CA 95035
18	86-48-018	CAO MICHAEL T AND TAM VUONG 804 CAMERON CL MILPITAS, CA 95035
19	86-48-019	MIGUELINO OSCAR T JR AND JUDY Y 800 CAMERON CL MILPITAS, CA 95035
20	86-48-020	NGUYEN HA AND BUI THUAN 1004 CAMERON PL MILPITAS, CA 95035
21	86-48-021	TRAN KENNETH L AND LENA L TRUSTEE 1000 CAMERON PL MILPITAS, CA 95035
22	86-48-022	AGBUYA ALBERT P AND AMORFINA G TRUSTEE 996 CAMERON PL MILPITAS, CA 95035

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
23	86-48-023	PATEL BHUSHAN AND AARTI M 992 CAMERON CL MILPITAS, CA 95035
24	86-48-024	KOH CHENG-CHEE ET AL 175 HOBBS CT MILPITAS, CA 95035
25	86-48-025	GADIGE BHASKAR V AND HIMABINDU 984 CAMERON CIR MILPITAS, CA 95035
26	86-48-026	AGARWAL SHIV AND TAYAL MANISHA 980 CAMERON CL MILPITAS, CA 95035
27	86-48-027	NARVAEZ HOWARD M ET AL 976 CAMERON CL MILPITAS, CA 95035
28	86-48-028	LEUNG PAUL K AND NANCY M 972 CAMERON CL MILPITAS, CA 95035
29	86-48-029	TRAN MICHAEL AND TIFFANY 968 CAMERON CL MILPITAS, CA 95035
30	86-48-030	WU XILONG AND YU ZHEBIN TRUSTEE LANE 168 HONG QIAO RD SHANGHAI, CHINA 200030
31	86-48-031	WONG IRENE TRUSTEE 960 CAMERON CIR MILPITAS, CA 95035
32	86-48-032	WONG IDA 956 CAMERON CL MILPITAS, CA 95035
33	86-48-033	RAGHUNATHA SWAROOP AND PADUBIDRI LALITHA BH 952 CAMERON CL MILPITAS, CA 95035
34	86-48-034	LEON JOSE GUADALUPE S AND MARIA O 948 CAMERON CL MILPITAS, CA 95035

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
35	86-48-035	YAU TIMOTHEUS AND PEGGY 944 CAMERON CL MILPITAS, CA 95035
36	86-48-036	VOLADRI RAMA K AND GURJAL MANI R 940 CAMERON CL MILPITAS, CA 95035
37	86-48-037	CHU WEI MUN 936 CAMERON CL MILPITAS, CA 95035
38	86-48-038	AGRAWAL RAKESH AND KANSAL ESHA 932 CAMERON CIR MILPITAS, CA 95035
39	86-48-039	DUNN ERIC J AND BUI TRANG THI THUY 928 CAMERON CL MILPITAS, CA 95035
40	86-48-040	MUNE DEREK AND LEE TERRI L 2301 MARKHAM AV MILPITAS, CA 95035
41	86-48-041	AGGARWAL RAHUL AND SHELLY 920 CAMERON CL MILPITAS, CA 95035
42	86-48-042	RAO QIZHOU AND SHAN MENGWEN 916 CAMERON CL MILPITAS, CA 95035
43	86-48-043	LOW NEE-LOONG AND OH BEE-BEE 0933719 SINGAPORE
44	86-48-044	VOGETY RAMANAGOPAL V AND VEDANTAM KANYALAKS 908 CAMERON CL MILPITAS, CA 95035
45	86-48-045	MAI BRIAN CHI ET AL 904 CAMERON CL MILPITAS, CA 95035
46	86-48-046	DO KHAN AND NGUYEN THU K TRUSTEE 900 CAMERON CL MILPITAS, CA 95035

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
47	86-48-047	TSAI JULIE Y ET AL 896 CAMERON CL MILPITAS, CA 95035
48	86-48-048	HU HUIJUN L ET AL 892 CAMERON CL MILPITAS, CA 95035
49	86-48-049	PEI NICHOLAS 888 CAMERON CL MILPITAS, CA 95035
50	86-48-050	WANG RONG AND GAO YUJIE ET AL 884 CAMERON CL MILPITAS, CA 95035
51	86-48-051	LY PETER T 880 CAMERON CL MILPITAS, CA 95035
52	86-48-052	WONG JAMES 876 CAMERON CL MILPITAS, CA 95035
53	86-48-053	FANG XIONG AND WANG QING 717 DE SOTO DR PALO ALTO, CA 94303-2807
54	86-48-054	LAN DI AND CAO RONG 903 CAMERON CL MILPITAS, CA 95035
55	86-48-055	LAM RONNY AND JULIE TRAN 98 PIEDMONT RD MILPITAS, CA 95035
56	86-48-056	ZHOU GUO QUAN AND LIU XIN 911 CAMERON CL MILPITAS, CA 95035
57	86-48-057	JANDHYALA GOPIKRISHNA AND AKELLA SIREESHA R 915 CAMERON CL MILPITAS, CA 95035
58	86-48-058	DUGYALA ANURADHA 211 CAMERON CT MILPITAS, CA 95035

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
59	86-48-059	AU JONSON C AND OR SOPHIA YUK YU 46834 LONSDALE CT FREMONT, CA 94539
60	86-48-060	WONG CARMEN ET AL 195 CAMERON CT MILPITAS, CA 95035
61	86-48-061	BASANI SHAILESH AND SUPRIYA 200 CAMERON CT MILPITAS, CA 95035
62	86-48-062	LIU LISA AND LEE ANDREW 208 CAMERON CT MILPITAS, CA 95035
63	86-48-063	AZALI ALBERTUS H AND TUNGGAL WENDA TRUSTEE 216 CAMERON CT DUGYALA ANURADHA
64	86-48-064	NIGAM AJAY AND ANJULA TRUSTEE 207 WHITE CT MILPITAS, CA 95035
65	86-48-065	KOMATSU HIROYUKI AND MIKA 199 WHITE CT MILPITAS, CA 95035
66	86-48-066	NAIR SEEMA 191 WHITE CT MILPITAS, CA 95035
67	86-48-067	BIALA CHARITO M AND FE T 476 LOCH LOMOND CT MILPITAS, CA 95035
68	86-48-068	NITAFAN DEMETRIO B AND CECILIA C 175 ALLEN CT MILPITAS, CA 95035
69	86-48-069	NGUYEN THANG T AND TANYA V 180 ALLEN CT MILPITAS, CA 95035
70	86-48-070	VO JASMINE AND HUYNH QUANG M 188 ALLEN CT MILPITAS, CA 95035

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
71	86-48-071	PATEL GITA V TRUSTEE 196 WHITE CT MILPITAS, CA 95035
72	86-48-072	FENG HAIJUN AND ZHONG WEIHONG 204 WHITE CT MILPITAS, CA 95035
73	86-48-073	SUN LI AND XUE WEI 212 WHITE CT MILPITAS, CA 95035
74	86-48-074	OO KENNETH THET ZIN 203 KING CT MILPITAS, CA 95035
75	86-48-075	PRABHU VIVEK R AND TEJWANI SUNITA 195 KING CT MILPITAS, CA 95035
76	86-48-076	HSIAO JEFF C AND NGUYEN ANGELA T 187 KING CT MILPITAS, CA 95035
77	86-48-077	CHIN MICHAEL AND MARY TRUSTEE PO BOX 360154 MILPITAS, CA 95036
78	86-48-078	TRUONG PHILLIP TRUSTEE P.O. BOX 360249 MILPITAS, CA 95036
79	86-48-079	XIONG XIANGDONG AND YEE VICKY 176 BRANDT CT MILPITAS, CA 95035
80	86-48-080	EDUSADA ROMEO D AND EMMA R 184 BRANDT CT MILPITAS, CA 95035
81	86-48-081	ARUNACHALAM SARAVANAN 192 KING CT MILPITAS, CA 95035
82	86-48-082	LI GANG AND MA NAN 200 KING CT MILPITAS, CA 95035
83	86-48-083	DESAI DILAN AND TARUNA 208 KING CT MILPITAS, CA 95035

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
84	86-48-084	DESAI RAJENDRA J AND PRATIMA R 199 DOUGLAS CT MILPITAS, CA 95035
85	86-48-085	ZHAO QIANG JIMMY AND YUO JENNY BIN 191 DOUGLAS CT MILPITAS, CA 95035
86	86-48-086	NOMOTO TAKEO AND TONG ALEXANDRA QUINLAM 183 DOUGLAS CT MILPITAS, CA 95035
87	86-48-087	PIERCE BRAD A AND KOH CHENG-CHEE TRUSTEE 175 HOBBS CT MILPITAS, CA 95035
88	86-48-088	AHUJA SUMEET AND RUCHI 167 HOBBS CT MILPITAS, CA 95035
89	86-48-089	DEVADAS MANJUNATH AND KARVETI HEMALATHA 174 HOBBS CT MILPITAS, CA 95035
90	86-48-090	LIEU TONY AND TIFFANY 182 HOBBS CT MILPITAS, CA 95035
91	86-48-091	HO HOWARD AND LUU IVY TRUSTEE 190 DOUGLAS CT MILPITAS, CA 95035
92	86-48-092	LIM PERRY F AND DIXIE M TRUSTEE 198 DOUGLAS CT MILPITAS, CA 95035-0000
93	86-48-093	LU COURTNIE 206 DOUGLAS CT MILPITAS, CA 95035-0000
94	86-48-094	QUANG TONY D 533 DELDRIN CT SAN RAMON, CA 94582
95	86-48-095	SINGLA SANJEEV K AND ANITA 3298 VIN SANTO LN SAN JOSE, CA 95148

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER
96	86-48-096	PAL SHIRISH C AND DAS SUJATA S 811 CAMERON CL MILPITAS, CA 95035-0000
97	86-48-097	ANNADATA ANIL K AND VEEPURI SRAVANTHI 815 CAMERON CL MILPITAS, CA 95035-0000
98	86-48-098	NGO MARVIN AND QUACH EMILY HUE 831 CAMERON CL MILPITAS, CA 95035-0000

**ENGINEER'S REPORT
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. 98-1
FISCAL YEAR 2013-2014**

CERTIFICATES

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Diagram thereto attached, was filed with me on the 21st day of May, 2013.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in the Engineer's Estimate on Part B hereof entitled "assessment", and the individual amounts of the Assessment Roll on Part C herein, have been computed by me in accordance with the order of the City Council of the City of Milpitas, adopted on the 7th day of May, 2013.

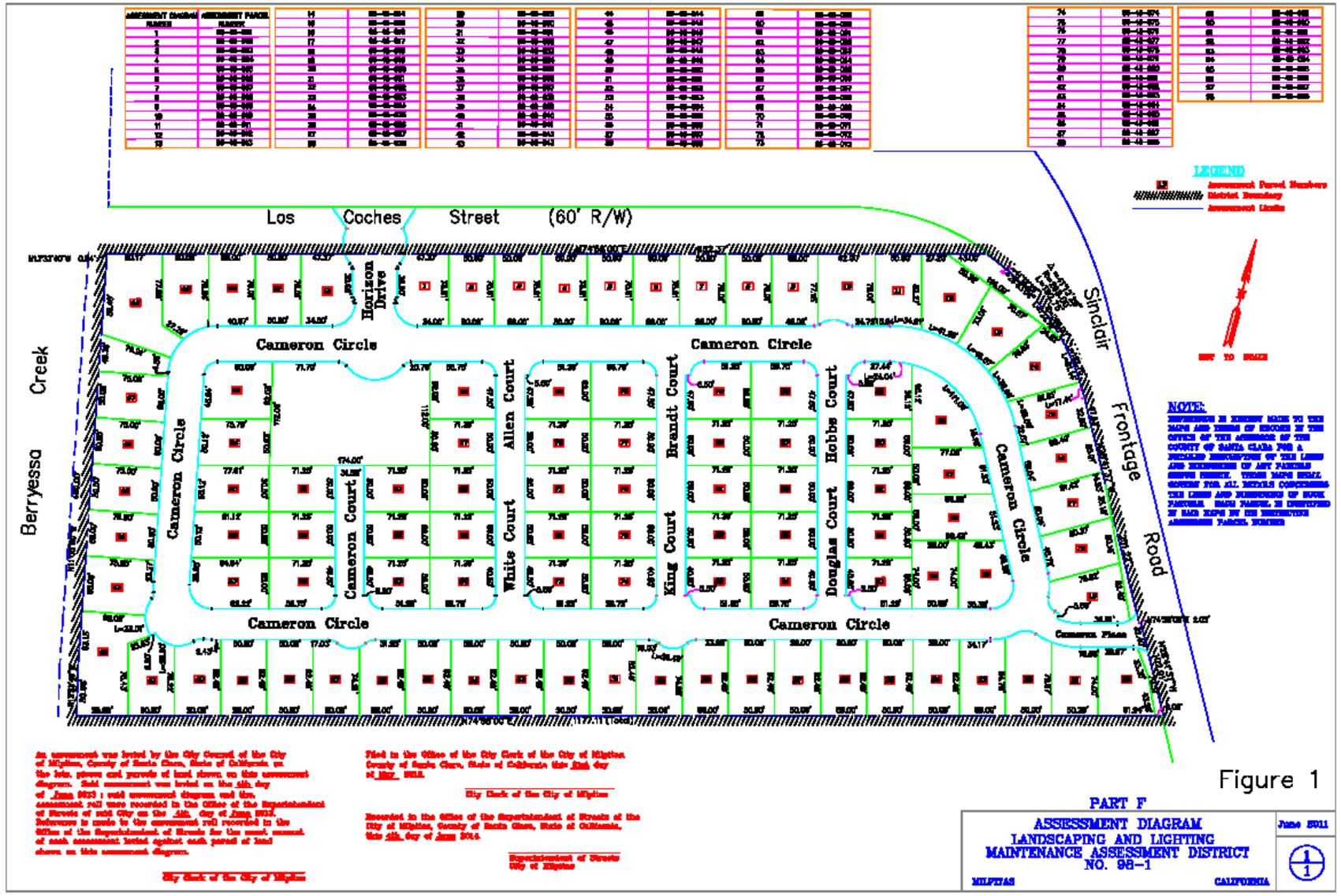
Jeff C. Moneda, Engineer of Work
By: _____

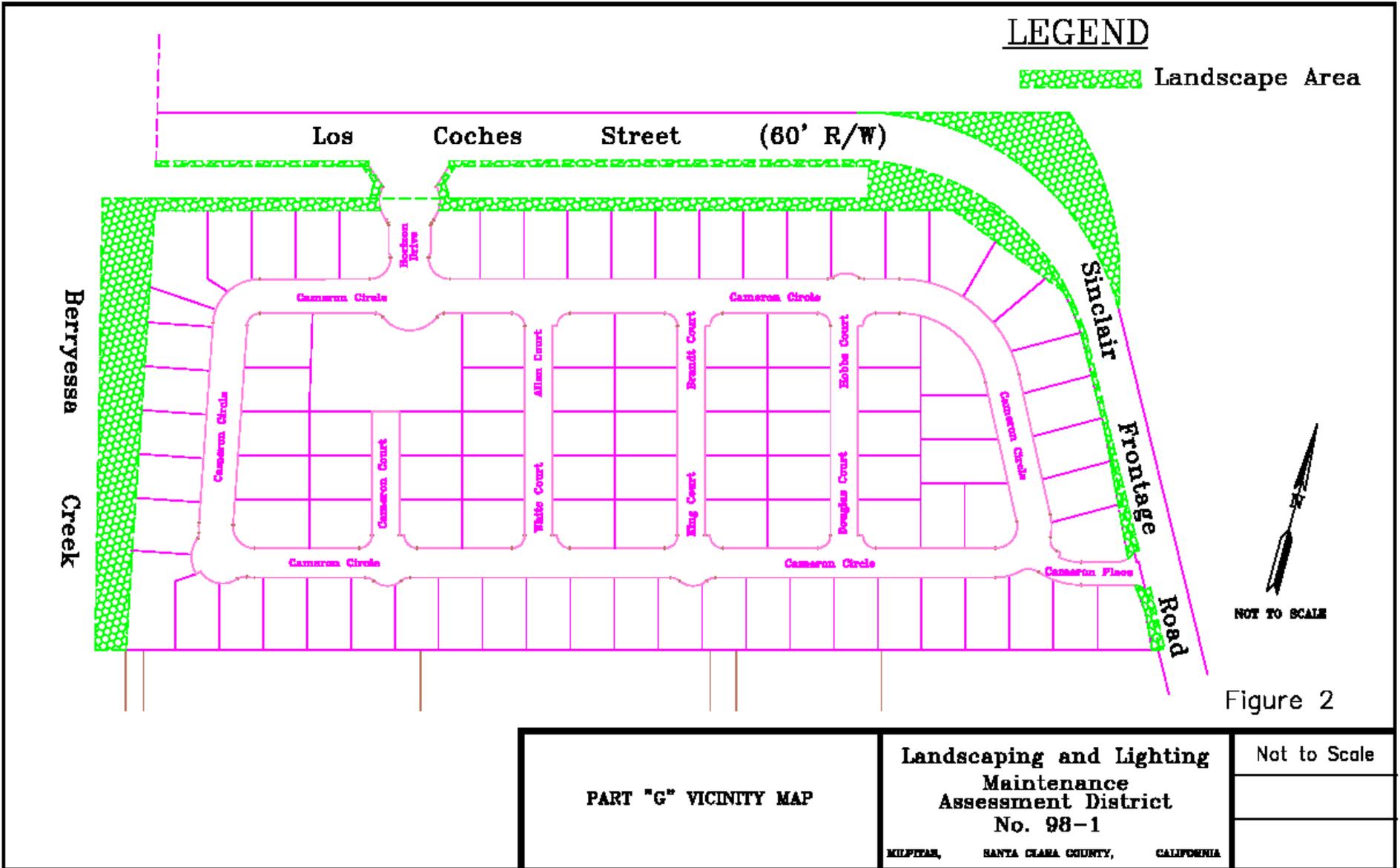
I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Milpitas, Santa Clara County, California, on the 4th day of June, 2013, by Resolution No. _____.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____

I HEREBY CERTIFY that the Assessment and Assessment Diagram, was filed with the County Auditor of the County of Santa Clara, on the 1st day of July, 2013.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____





Recording Requested by and
When Recorded Mail to:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: Office of the City Clerk

Record without fee under
Section 6103 - Government Code
State of California

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING INITIAL ACCEPTANCE AND REDUCING PERFORMANCE BOND OF
MILPITAS CITY HALL AUDIO VISUAL SYSTEM UPGRADE PROJECT, PROJECT NO. 9001**

WHEREAS, the City of Milpitas has heretofore entered into a contract with PCD Inc., for the subject project, and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said City Engineer.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does hereby accept said improvement as completed on this 20th day of May, 2013, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Section 3093 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day's labor or force account. The penal sum of the faithful performance bond securing said improvement may be reduced to the sum of \$103,659 upon request of principal and surety, with said penal sum as reduced to apply from the date of completion and acceptance of said improvements and to extend for the balance of the term of said bond, provided that said term shall not be less than one year.

PASSED AND ADOPTED this _____ day of _____ 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

Recording Requested by and
When Recorded Mail to:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: City Clerk

Record without fee under
Section 6103 - Government Code
State of California

CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about January 30, 2012, the Milpitas Economic Development Corporation, a nonprofit corporation of the State of California, entered into a contract for work of: **Milpitas City Hall Audio Visual System Upgrade Project**, with the intent of having it accepted by the City of Milpitas upon completion.
2. A description of the site of which the City is owner for said work of improvement is: **455 E. Calaveras Blvd.** in the City of Milpitas, Santa Clara County, California, more particularly described on the plans.
3. The nature and interest or estate of the City as owner of said site is: **City of Milpitas.**
4. The name and address of the original contractor is: **PCD, Inc., 1032 Maxwell Dr., Santa Rosa, CA 95401.**
5. A general statement of the kind of work done or materials furnished to the City is as follows: **Replacement and upgrade of audio and video equipment within the Council chambers, control room, and conference rooms at 455 E. Calaveras Blvd.**
6. The name of the sureties upon the bond of the contractor for said work of improvement is: **Developers Surety and Indemnity Company, 5 Centerpointe Drive, Suite 530, Lake Oswego, OR 97035; bond # 752721P.**
7. Said work of improvement was accepted by the Milpitas City Council as completed on May 21, 2013.

I, the undersigned, declare that I am the **City Engineer** of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct.

Executed on _____, 2013 at Milpitas, California.

PW Director/City Engineer
City of Milpitas

NOTE: RECORD WITHIN 10 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF SANTA CLARA COUNTY



AMENDMENT NO 1 TO THE AGREEMENT
WITH
G&K SERVICES
FOR
UNIFORM RENTAL AND LAUNDRY SERVICE

This Amendment is entered into this 22nd day of May, 2013, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **G&K Services**, (hereafter referred to as "CONTRACTOR").

RECITALS

WHEREAS, the parties entered into an Agreement for uniform rental and laundry service for \$24,000 for one year with an option for up to four (4) additional years, on September 24, 2012, which was approved by City Council on August 7, 2012; and

WHEREAS, the parties desire to amend the Agreement to allow CONTRACTOR to provide increased services.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The cost of the contract shall be increased by \$5,000 to an annual total not-to-exceed amount of \$29,000.
2. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

G&K SERVICES

Thomas C. Williams, City Manager

Scott Hardesty, Area Regional Manager

APPROVED AS TO CONTENT:

Chris Schroeder, Purchasing Agent

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
<input checked="" type="checkbox"/> Budget Appropriation	330-2940 331-9513406-15- 3899	\$ 100,000 100,000	330-3999 331-9513406-7- 4800	\$ 100,000 100,000
<input type="checkbox"/> Budget Transfer				

Explain the reason for the budget change:

Background: Pursuant to state public contracting law and Council Resolution 7779, the Director of Public Works may authorize emergency work, but must provide the City Council a report of all such work. On May 3, the Public Works Director authorized Summers & Sons Electric to fabricate and install an automatic transfer switch (ATS) on the Police and Public Works Building emergency generator as an emergency repair.

The ATS switches from PG&E power to the emergency generator when the switch senses a PG&E power outage. The ATS and emergency generator systems were originally installed with the construction of the Police/Public Works Building, and are over twenty years old. New parts for the system are no longer available. Recently, the ATS system has not been operating reliably, and not recharging the main breaker, and resetting once PG&E power is restored. On May 3, PG&E experienced a power disruption. The ATS and emergency generator system failed in that it did not sense the 45 minute PG&E outage, and did not transfer to emergency generator power.

Reliable emergency power for the Police Building is essential for maintaining emergency 911 communications, public safety dispatch functions, as well as the Information Services and Public Works Departments. Staff spoke several qualified electrical firms to assist with diagnosing and correcting the problems. The firm of Summers & Sons was responsive, and was able to diagnose the problem and is willing to fabricate the required repairs. Work includes providing a 650k W temporary generator to power the building during the work; fabricating; installing; testing; and commissioning the new ATS systems at a cost that should not exceed \$100,000.

Fiscal Impact: A Budget Appropriation of \$100,000 from the General Government CIP Fund into Project 3406 is requested to fund this unforeseen repair expenditure.

Recommendation:

1. Receive this report of emergency repair of the Police/Public Works building emergency generator ATS.
2. Approve the Budget Appropriation \$100,000 from the General Government CIP Fund into Project 3406.
3. Authorize staff to pay invoices for this work.

Check if City Council Approval required.

Meeting Date: May 21, 2013

Requested by:	Department Head: Kathleen Phalen	Date: May 9, 2013
Reviewed by:	Finance Director: <i>Mark C. Karl</i>	Date: <i>5/9/13</i>
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by: