



**MILPITAS CITY COUNCIL AND  
SUCCESSOR AGENCY TO FORMER REDEVELOPMENT AGENCY  
JOINT MEETING AGENDA  
TUESDAY, MAY 21, 2013**

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*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**

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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.

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

**XIII. CONSENT CALENDAR (Items with asterisks\*)**

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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.

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**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](mailto: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](http://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, 3<sup>rd</sup> 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](http://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](http://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](mailto: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.**